

## Ordinance 83-162 of July 9, 1983 establishing a Penal Code

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### ORDER N° 83-162 OF JULY 9, 1983 ESTABLISHING A PENAL

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PENAL CODE

## ORDER No. 83-162 of July 9, 1983 establishing a Penal Code.

The Military Committee of National Salvation deliberated and adopted;

The President of the Military Committee of National Salvation, Head of State, promulgates the order whose content follows:

### *BOOK FIRST*

### **FIRST CHAPTER**

FIRST ARTICLE. - Crime includes three categories:

- crimes punishable by correctional penalties; crimes
- punishable by *houdoud* criminal penalties; crimes
- punishable by *Guissass* or *Diya* blood money.

ART. 2. - Any attempted crime which has been manifested by the beginning of execution, if it only failed in its effect due to circumstances independent of the will of its author, is considered a crime punishable by correctional penalties.

ART. 3. - Attempted crimes are only considered as crimes in cases determined by a special provision of the law.

ART. 4. - No contravention, no misdemeanor, no crime can be punished with penalties which were not pronounced by law before they were committed.

ART. 5. - In the event of confusion of several crimes or offenses, the strongest penalty alone is imposed.

When a principal sentence is the subject of a graceful remission, it is necessary to take into account, for the application of the conclusion of the sentences, the sentence resulting from the commutation and not the sentence initially pronounced.

ART. 6. - Penalties in criminal matters are either afflictive and infamous or only infamous.

ART. 7. - Death, amputation, flogging, forced labor for life, forced labor on time, imprisonment are afflictive and infamous penalties.

ART. 8. - Civic degradation is an infamous punishment.

ART. 9. - The penalties in correctional matters are:

1. Time imprisonment; 2. The  
timely prohibition of certain civil or family rights; 3. The fine; 4. The stay ban.

ART. 10. - The conviction of the penalties established by law is always pronounced without prejudice to the restitutions and damages which may be due to the parties.

ART. 11. - The ban on residence, the fine and confiscation, either of the body of the offense when the property belongs to the convicted person, or of the things produced by the offense, or of those which were used or which were intended to commit, are penalties common to criminal and correctional matters.

ART. 12. - Anyone sentenced to death will be shot.

ART. 13. - The bodies of torture will be delivered to their families, if they request them, on condition that they have them buried without any device.

ART. 14. - The execution report will be drawn up immediately by the clerk, under penalty of a civil fine of 200 to 1,000 ouguiya. It will be signed by the president of the Criminal Court or his replacement, the representative of the public prosecutor and the clerk.

Immediately after the execution, a copy of this report will be posted at the door of the penitentiary establishment where the execution took place and will remain there for twenty-four hours. In the event that the execution was carried out outside the confines of a penitentiary establishment, the report will be posted at the door of the offices of the administrative district of the place of execution.

No information, no document relating to the execution other than the report may be published through the press under penalty of a fine of 5,000 to 72,000 ouguiya. It is prohibited, under the same penalty as long as the report of the execution has not been posted or the decree of pardon notified to the condemned or mentioned in the minutes of the judgment, to publish in the press, poster, leaflet, or by any other means of advertising, any information relating to the opinions issued by the Superior Council of the Judiciary or to the decision taken by the President of the Republic.

The report will, under the same penalty provided for in paragraph 1, be transcribed by the clerk within twenty-four hours at the foot of the judgment. The transcription will be signed by him and he will make mention of everything, under the same penalty, in the margins of the minutes; this mention will also be signed and the transcription will be proof, like the minutes itself.

If the conviction emanates from a jurisdiction other than the Criminal Court, its president will exercise the same powers for the application of this article.

ART. 15. - The execution will be carried out either within the confines of one of the penitentiary establishments appearing on a list drawn up by order of the Keeper of the Seals, Minister of Justice, or in any other place fixed in the same manner.

The following people must be present at the execution:

- the president of the Criminal Court or, failing that, a magistrate designated by the president of the Supreme Court;
- the public prosecutor designated by the Attorney General; - a judge of the court of the place of execution; - the clerk of the Criminal Court or, failing that, a clerk of the court of the place of execution; - the defenders of the condemned;
- the director of the penitentiary establishment - the police commissioner if applicable, the law enforcement officers requested by the Attorney General or the Public Prosecutor; - the prison doctor or, failing that, a doctor designated by the Prosecutor General or the Public Prosecutor.

ART. 16. - No sentence may be carried out on national or religious holidays, nor on the legal day of weekly rest.

ART. 17. - If a woman condemned to death declares herself and it is verified that she is pregnant, she will only suffer the penalty after her deliverance.

ART. 18. - The sentence of forced labor will be imposed for a minimum of five years and a maximum of twenty years.

ART. 19. - Anyone who has been sentenced to a custodial sentence will be locked up in one of the penitentiary establishments located on the territory of the Republic, which will have been determined by order of the Keeper of the Seals, Minister of Justice.

The convicted person will communicate with people placed inside the place of detention or with those outside, in accordance with the regulations in force.

ART. 20. - The duration of the prison sentence will be at least five years and at most ten years.

ART. 21. - The duration of any custodial sentence counts from the day on which the convicted person is detained by virtue of the conviction which has become irrevocable and which imposes the sentence.

ART. 22. - When there has been preventive detention, this detention will be deducted in full from the duration of the sentence imposed by the judgment or the sentence of conviction, unless the judge has ordered by special and reasoned provision that this imputation will not take place or that it will only take place in part.

Concerning preventive detention between the date of the judgment or decision and the moment when the conviction becomes irrevocable, it will always be charged in the following two cases:

1. If the convicted person has not appealed against the judgment or decision;
2. If, having appealed, his sentence was reduced upon his appeal or following his appeal.

However, the convicted person whose incarceration, taking into account the pardon or conditional release measures taken, should end on a legal holiday or a legal day of weekly rest, will be released on the previous working day.

ART. 23. - Conviction of a criminal sentence will result in civic degradation. Civic degradation will be incurred from the day the conviction becomes irrevocable.

ART. 24. - Anyone who has been sentenced to the penalty of forced labor or imprisonment will, moreover, during the duration of his sentence, be in a state of legal prohibition. A guardian and a subrogated guardian will be appointed to him to manage and administer his property, in the forms prescribed for the appointment of guardians and subrogated guardians to interdicts.

The legal prohibition will not take effect during the period of conditional release.

ART. 25. - The property of the condemned person will be returned to him after he has served his sentence, and the guardian will give him an account of his administration.

ART. 26. - During the duration of the sentence, no sum, no provision, no portion of his income may be returned to him.

ART. 27. - Civic degradation consists of:

1. In the dismissal and exclusion of convicts from all functions, jobs or offices public;
2. In the deprivation of the right to vote, of election, of eligibility, and in general of all rights civic and political, and the right to wear no decoration;
3. Unable to serve as an expert juror, to be used as a witness in proceedings and to testify in court other than to provide simple information; 4. Unable to be part of any family council and to be guardian, curator, subrogated guardian or judicial advisor, except for his own children, and with the consent of the family;
5. In deprivation of the right to bear arms, to run a school or to teach and to be employed in any educational establishment, as a professor, master or supervisor.

ART. 28. - Whenever civic degradation is pronounced as the main penalty, it may be accompanied by imprisonment whose duration fixed by the sentencing decision will not exceed five years. If the culprit is a foreigner or a Mauritanian who has lost his status as a citizen, the penalty of imprisonment must be imposed.

ART. 29. - All judgments which carry the death penalty, forced labor for life and time, imprisonment, civic degradation will be printed in extracts; they will be posted in the capital of the administrative district where the acts were committed, in the city where the judgment was rendered, in the city where the execution will take place and in the city of the condemned person's domicile.

ART. 30. - The person sentenced to a perpetual afflictive sentence cannot, without prior authorization from the competent court, dispose of his property in whole or in part, either by donation inter vivos, or by will, nor receive in this capacity, except is because of food. The above provisions only apply to the convicted person in default five years after the judgment is posted.

The government may relieve the person sentenced to a life sentence of all or part of the incapacities pronounced by the preceding paragraph. He may grant him the exercise, in the place of execution of the sentence, of civil rights or of some of these rights of which he has been deprived by his state of legal prohibition.



ART. 31. - In all cases where a conviction is pronounced for a crime against the internal security of the State, if this conviction does not carry the death penalty, the competent courts will pronounce the confiscation, for the benefit of the Nation, of all the present property of the condemned person, of whatever nature they may be.

In the case of a death sentence, only property used in the execution of the crime will be seized.

ART. 32. - If the convicted person is married, the confiscation will only relate to the convicted person's share in the sharing of the community or undivided property between him and his spouse.

If he has descendants or ascendants in his care, the confiscation will only relate to the assets available after judicial assessment of the costs necessary for their maintenance.

ART. 33. – The alienation of confiscated property will be pursued by the administration of the Estates, in the forms prescribed for the sale of State property.

The property vested in the State of confiscation will remain encumbered, up to its value, by legitimate debts prior to the conviction.

## CHAPTER II - Penalties in correctional matters

ART. 34 - the duration of the prison sentence will be at least eleven days and five years at most, except in cases of repeat offenses or otherwise where the law has determined other limits.

The sentence is one day's imprisonment and twenty-four hours. That at one month is thirty days.

ART. 35 - The products of the work of each prisoner for correctional offense will be applied partly to the common expenses of the penitentiary establishment, partly to provide him with some relief, if he deserves it, partly to form for him, at the time of his release, a reserve fund, all as ordered by the regulations.

ART. 36. - Criminal courts may, in certain cases, prohibit, in whole or in part, the exercise of the following civic, civil and family rights:

1. of voting and election;
2. eligibility; 3. to be called or appointed to jury duty, or other public functions, or to administrative positions, or to exercise his functions or employment; 4. the carrying of weapons 5. voting and suffrage in family deliberations; 6. to be guardian, curator, if not of his children, and on the advice only of the family; 7. to be an expert or employed as a witness in the acts; 8. testimony in court, other than to make simple statements.

ART. 37.-. The courts will only pronounce the prohibition mentioned in the preceding article when it has been authorized or ordered by a particular provision of the law.

## **CHAPTER III- Penalties and other convictions which may be imposed for crimes or misdemeanors**

ART. 38. - The ban on residence consists of prohibiting a convicted person from appearing in certain places. It also includes monitoring and assistance measures.

Its duration is two to five years in correctional matters, five to twenty years in criminal matters.  
It can be pronounced:

1. against anyone sentenced to forced labor or imprisonment
2. against anyone sentenced to imprisonment for crime;
3. against anyone convicted of a crime or offense against the security of the State;
4. against anyone, having been sentenced to a sentence of more than one year's imprisonment, who, within five years after the expiration of this sentence or its limitation period, has been sentenced to a sentence equal to or greater than one year of imprisonment.
5. against any person convicted pursuant to articles 98, 103, 134, 138, 139, 146, 147, 210, 228, 281, 282, 283, 285, 287, 288, 293 (paragraphs 1, 2, 3, 4 and 5), 294, 302, 311, 312, 313, 372, 376, 377, 379, 386, 389 and 411 (paragraph 3);
6. in the event of a repeat offense against any person convicted in application of the texts on the carrying of weapons prohibited.

ART. 39. - In the event of disobedience to the provisions of a stay ban order, the offender will be sentenced by the criminal courts to imprisonment of three months to five years and to a fine of 5,000 to 72,000 ouguiya or one of these two sentences only.

ART. 40. - In no case may the duration of the residence ban exceed twenty years.

The culprits sentenced to forced labor and imprisonment will be automatically banned from residence for twenty years after they have served their sentence.

However, the judgment or judgment of conviction may reduce the duration of the stay ban or even declare that the convicted persons will not be subject to it.

ART. 41. - Any person sentenced to life sentences who obtains commutation or remission of his sentence will, if he is not otherwise exempted by graceful decision, be automatically banned from residence for twenty years.

The stay ban may be remitted or reduced by pardon. It may be suspended by administrative measure.

The prescription of the sentence does not relieve the convicted person of the residence ban to which he is subject.

If a life sentence is prescribed, the convicted person will automatically be banned from residence for twenty years.

This penalty only produces its effect on the day the prescription is fulfilled.

ART. 42. - Those who have been convicted of crimes or offenses which concern the internal or external security of the State must be sentenced to a ban on residence.

ART. 43. - Except in the cases determined by the preceding articles, convicted persons will only be prohibited from staying in the event that a particular provision of the law allows it.

ART. 44. - In cases specially provided for by law, the courts may order that their decision be displayed in very visible characters, in the places they indicate, at the expense of the convicted person.

Unless otherwise provided by law, this display will be issued for a period which may not exceed two months in matters of crimes or misdemeanors.

The removal, concealment and total or partial laceration of posters posted in accordance with this article, carried out voluntarily, will be punished by a fine of 5,000 to 72,000 ouguiya and imprisonment of one month to six months or one of these two penalties only; the entire posting will be carried out again at the expense of the convicted person.

ART. 45. - When restitution is required, the guilty party may be sentenced, in addition, to the injured party, if required, to compensation, the determination of which is left to the justice of the Court or tribunal when the law will not have settled them, without the Court or the tribunal being able, with the consent of the said party, to pronounce their application to any work whatsoever.

ART. 46. - The execution of sentences for fines, restitution, damages and costs may be pursued by means of physical restraint.

ART. 47. - When fines and costs will be pronounced for the benefit of the State, if, after the expiration of the afflictive or infamous sentence, the imprisonment of the condemned, for the acquittal of these financial sentences, lasted one year complete, he will be able, upon proof acquired through legal means of his absolute insolvency, to obtain his provisional release.

The duration of the imprisonment will be reduced to six months if it is a misdemeanor, except, in all cases, to resume the physical constraint if the convicted person has some means of solvency.

ART. 48. - In the event of competition between the fine and restitution and damages, on the insufficient assets of the convicted person, these latter convictions will obtain preference.

ART. 49. - All individuals convicted of the same crime or offense will be jointly liable for fines, restitution, damages and costs.

## CHAPTER IV- Penalties for recidivism for crimes and misdemeanors

ART. 50. - Whoever, having been sentenced to an afflictive and infamous or only infamous penalty, commits a second crime carrying civic degradation as the main penalty, will be sentenced to forced labor for life.

If the second crime carries the penalty of imprisonment, he will be sentenced to forced labor in time. If the second crime results in forced labor on time, he will be sentenced to the maximum penalty, which may be increased to double.

Anyone, having been sentenced to forced labor for life, who commits a second crime carrying the same penalty, will be sentenced to the death penalty.

However, the individual convicted by a military or maritime court will, in the event of a subsequent crime or misdemeanor, be liable to the penalties of recidivism only to the extent that the first conviction would have been pronounced for crimes or misdemeanors punishable under the laws. ordinary criminal offenses.

ART. 51. - Anyone, having been sentenced for a crime to a sentence exceeding one year of imprisonment, will, within five years after the expiration of this sentence or its prescription, have committed an offense or a crime which must be punished of the prison sentence, will be sentenced to the maximum penalty imposed by law, and this penalty may be increased up to double.

The convicted person may also be prohibited from appearing for at least five years and at most ten years in places where the ban will be notified to him by the Minister of the Interior before his release.

ART. 52. - The same will apply to those sentenced to imprisonment for more than one year for an offense and who, within the same period, would be found guilty of the same offense or a crime punishable by imprisonment.

Those who, having previously been sentenced to a lesser prison sentence, commit the same offense under the same conditions of time, will be sentenced to a prison sentence which cannot be less than double that previously pronounced, without however that it may exceed double the maximum penalty incurred.

The offenses of theft, fraud and breach of trust will be considered to be the same offense from the point of view of recidivism. The same will apply to the offenses of vagrancy and begging.

The concealment will be considered, from the point of view of recidivism, as the offense which procured the concealed things.

## **SECOND BOOK**

### **SINGLE CHAPTER - Persons punishable, excusable, or responsible for crimes or misdemeanors**

ART. 53. - Accomplices to a crime or misdemeanor will be punished with the same penalty as the perpetrators of this crime or misdemeanor, except in cases where the law provides otherwise.

ART. 54. - Those who, by gifts, promises, threats, abuse of authority or power, machinations or culpable artifices, have provoked this action or given instructions to commit it will be punished as accomplices of an action classified as a crime or misdemeanor. ; those who will have procured weapons, instruments or any other means which will have been used in the action, knowing that it should be used there; those who will have, with knowledge, helped or assisted the author or authors of the action, in the facts which will have prepared or facilitated it, or in those which will have completed it, without prejudice to the penalties which will be specially imposed by this code against the authors of plots or provocations detrimental to the internal or external security of the State, even in the event that the crime which was the object of the conspirators or provocateurs has not been committed.

ART. 55. - Those who, knowing the criminal conduct of criminals carrying out robbery or violence against the security of the State, public peace, people or property, habitually provide them with accommodation, place of retirement or meeting, will be punished like their accomplices.

Those who, apart from the cases provided for above, will have knowingly concealed a person whom they knew to have committed a crime or whom they knew to be wanted by the justice system or who will have evaded or attempted to evade the criminal from custody. arrest or search, or will have helped him to hide or flee, will be punished by imprisonment of one month to three years and a fine of 5,000 to 200,000 ouguiya or one of these two penalties only, all without prejudice to harsher penalties where applicable.

Excluded from the provisions of the preceding paragraph are relatives or allies of the criminal up to the fourth degree inclusive.

ART. 56. - Will be punished with imprisonment of one month to three years and a fine of 5,000 to 200,000 ouguiya, or with one of these two penalties only, anyone who, having knowledge of a crime already attempted or consumed, will not have, while it was still possible to prevent or limit the effects or it could be thought that the culprits or one of them would commit new crimes that denunciation could prevent, warned immediately the administrative or judicial authorities.

Excluded from the provisions of this article are relatives or allies, up to the fourth degree inclusive, of the perpetrators or accomplices of the crime or attempt, except with regard to crimes committed against a minor under 15 years of age.

ART. 57. - Without prejudice to the application, where applicable, of the harsher penalties provided for by this code and special laws, will be punished by imprisonment of one month to three years and a fine of 5,000 to 200,000 ouguiya or one of these two penalties

only, anyone who can prevent, through immediate action without risk to themselves or to third parties, either an act classified as a crime or an offense against the bodily integrity of the person, voluntarily refrains from doing so.

Anyone who voluntarily refrains from providing a person in danger with the assistance that, without risk to themselves or to third parties, could provide them either through their personal action or by providing assistance will be punished with the same penalties.

The same penalties will be imposed on anyone who, knowing the proof of the innocence of a person imprisoned preventively or tried for a crime or misdemeanor, voluntarily refrains from immediately providing testimony to the judicial or police authorities. However, no penalty will be pronounced against anyone who provides their testimony late, but spontaneously.

The person guilty of the act which motivated the prosecution, his co-perpetrators, his accomplices and the relatives or allies of these persons up to the fourth degree inclusive are exempt from the provision of the preceding paragraph.

ART. 58. - There is neither crime nor misdemeanor when the accused was in a state of dementia at the time of the action, or when he was forced by a force which he could not resist.

ART. 59.-. No crime or offense can be excused, nor the punishment mitigated, except in the cases and in the circumstances where the law declares the act excusable, or allows a less rigorous punishment to be applied.

ART. 60. - When the accused is under sixteen years of age, if it is decided that he acted indiscriminately, he will be acquitted, but he will, depending on the circumstances, be returned to his parents or given into custody to an honorable citizen who voluntarily accepts this office, to be for such number of years, as the judgment will determine and who, however, cannot exceed the age of majority.

ART. 61. - If it is decided that he acted with discernment, the penalties will be pronounced as follows:

- If he has incurred the death penalty or forced labor for life, he will be sentenced to ten to twenty years' imprisonment.
- If he has incurred the penalty of forced labor or reclusion, he will be sentenced to imprisonment for a period equal to at least a third and to a maximum of half of that for which he could have been sentenced to imprisonment. one of these sentences.

In all cases, he may be prohibited from staying, by order or judgment, for at least five years and at most ten years.

- If he incurred the penalty of civic degradation, he will be sentenced to imprisonment of one year to five years.

ART. 62. - The individual, aged less than sixteen years, who will have no accomplices present above this age and who will be charged with crimes other than those which the law punishes with the death penalty, those of forced labor for life, or that of imprisonment, will be judged by the criminal courts, which will comply with the articles above.

ART. 63. - In all cases where a minor of sixteen years of age has only committed a simple offense, the sentence which will be pronounced against him may not exceed half of that to which he could have been sentenced if he had been eighteen.

ART. 64. - Penalties of forced labor for life and forced labor on time will not be pronounced against any individual aged 60 years at the time of judgment; they will be replaced by those of seclusion.

ART. 65. - Innkeepers and hoteliers convicted of having accommodated for more than twenty-four hours someone who, during their stay, would have committed an offense, will be civilly responsible for restitutions, compensation and the facts awarded to those to whom this crime or this offense would have caused some damage, due to their failure to have entered in their register the name, profession and domicile of the culprit.

ART. 66. - In other cases of civil liability which may arise in criminal, correctional or police cases, the courts and tribunals before which these cases are brought will comply with the provisions of the Civil Code.



## **BOOK THREE - of crimes and offenses and their punishment**

### **TITLE ONE - Crimes and offenses against public property**

#### **CHAPTER ONE - Crimes and offenses against state security**

##### ***SECTION ONE -Crimes of treason and espionage***

ART. 67. - Will be guilty of treason and punished with death any Mauritanian, any soldier or sailor in the service of Mauritania who:

1. Will bear arms against Mauritania; 2. Will maintain intelligence with a foreign power with a view to engaging it to undertake hostilities against Mauritania, or provide it with the means, either by facilitating the penetration of foreign forces into the national territory, or by undermining the loyalty of the armies of land, sea or air, or in any other way;
3. Will deliver to a foreign power or its agents, i.e. troops. Mauritanian territories, towns, fortresses, works, posts, stores, arsenals, materials, munitions, vessels, buildings or air navigation devices, belonging to Mauritania or assigned to its defense; 4. With a view to harming national defense, will destroy or damage a ship, an air navigation device, equipment, a supply, a construction or any installation or which, for the same purpose, will bring thereto, either before or after their completion, defects likely to damage them or cause an accident.

ART. 68. - Any Mauritanian, any soldier or sailor in the service of Mauritania who, in time of war:

1. Will provoke soldiers or sailors to enter the service of a foreign power, will facilitate the means for them to do so or will enlist for a power at war with Mauritania;
2. Will maintain intelligence with a foreign power or with its agents with a view to favor the companies of this power against Mauritania; 3. Will have hindered the circulation of military equipment; 4. Will have knowingly participated in an enterprise to demoralize the army or the nation intended to harm national defense.

ART. 69. - Will be guilty of treason and punished with death any Mauritanian who:

1. Deliver to a foreign power or its agents, in any form and by any means, any information, object, document or process which must be kept secret in the interest of national defense;
2. Will ensure, by any means whatsoever, the possession of such information, object, document or process with a view to delivering it to a foreign power or its agents; 3. Will destroy or allow to be destroyed such information, object, document or process with a view to favor a foreign power.

ART. 70. - Any foreigner who commits one of the acts referred to in article 67, 2°, 3°, 4°, article 68 and article 69 will be guilty of espionage and punished with death.

Provocation to commit or offer to commit one of the crimes referred to in articles 67, 68 and 69 and this article will be punished as the crime itself.

## ***SECTION II -Other attacks on national defense***

ART. 71. - Will be punished with forced labor for life any Mauritanian or any foreigner who, with the intention of delivering them to a foreign power, gathers information, objects, documents or processes whose assembly and exploitation are likely to cause harm. to national defense.

ART. 72. - Will be punished with forced labor for ten to twenty years any guard, any depositary by function or by quality of information, object, document or process which must be kept secret in the interest of national defense or of which knowledge could lead to the discovery of a national defense secret which, without intention of treason or espionage, will have:

1. Destroyed, subtracted, allowed to be destroyed or subtracted, reproduced or allowed to be reproduced; 2. Brought or allowed to be brought to the attention of an unqualified person or of the public.

The penalty will be imprisonment if the guardian or depositary has acted through clumsiness, imprudence, inattention, negligence or non-compliance with the regulations.

ART. 73. - Will be punished with forced labor for five to ten years any Mauritanian or foreigner other than those referred to in the preceding article who, without intention of treason or espionage:

1. Will ensure, being without quality, the possession of information, object, document or process which must be kept secret in the interest of national defense or whose knowledge could lead to the discovery of a secret of the National Defense; 2. Will destroy, subtract, allow to be destroyed or subtract, reproduce or allow to be reproduced such information, object, document or process; 3. Will bring or allow to be brought to the attention of a non-qualified person or the public such information, object, document, or process, or will have extended the disclosure thereof.

ART. 74. - Any Mauritanian or foreigner who, without prior authorization from the competent authority, delivers or communicates to a person acting on behalf of a foreign power or company will be punished with forced labor for ten to twenty years. either an invention of interest to national defense, or information, studies or manufacturing processes relating to an invention of this type or to an industrial application of interest to national defense.

ART. 75. - Will be punished with imprisonment of one to five years, any Mauritanian or foreigner who, without intention of treason or espionage, brings to the attention of an unqualified person or the public military information not made public by the competent authority and the disclosure of which is clearly likely to harm national defense.

ART. 76. - Will be punished with forced labor for ten to twenty years any Mauritanian or foreigner who:

1. Will enter under a disguise or a false name by concealing his status or his nationality, in a fortress, a work, post or arsenal, in the works, camps, bivouacs or cantonments of an army, in a warship or a commercial vessel used for national defense, in a military air navigation device or in an armed military vehicle, in a military or maritime establishment of any kind, or in an establishment or construction site of interest to national defense;
2. Even without disguising himself, or without concealing his name, his position or his nationality, will have organized in a hidden manner any means of correspondence or remote transmission likely to harm national defense;
3. Will fly over Mauritanian territory by means of a foreign aircraft without being authorized to do so by a diplomatic convention or permission from the Mauritanian authority;
4. In a prohibition zone established by the military or maritime authority, will carry out, without the authorization of the latter, drawings, photographs, surveys or photographic operations inside or around places, works, posts and military and maritime establishments relevant to national defense;
5. Will stay, in defiance of a prohibition issued by decree within a determined medium radius around fortified works or military or maritime establishments;
6. Communicate to an unqualified person or make public information relating either to the measures taken to discover and arrest the perpetrators and accomplices of crimes or offenses provided for in sections 1 and 2 of this chapter, or to the prosecution and prosecution instruction, or the debates before the trial courts.

However, in times of peace, the perpetrators of the offenses provided for in paragraphs 3, 4 and 6 above will be punished by imprisonment of one to five years and a fine of 30,000 to 700,000 ouguiya.

ART. 77. - Will be punished with forced labor for ten to twenty years whoever:

1. Will have, through hostile acts not approved by the government, exposed Mauritania to a declaration of war;
2. Will have, through acts not approved by the government, exposed Mauritania to suffering reprisals;
3. Will maintain intelligence with the agents of a foreign power likely to harm the military or diplomatic situation of Mauritania or its essential economic interests.

ART. 78. - Will be punished with forced labor for ten to twenty years whoever, in time of war:

1. Will undertake, without government authorization, correspondence or relations with subjects or agents of an enemy power;
2. Will directly or through intermediary carry out acts of commerce with the subjects or agents of an enemy power, in defiance of the prohibitions enacted.

ART. 79. - Will be punished by imprisonment of one to five years and a fine of 30,000 to 300,000 ouguiya whoever, in time of war, knowingly carries out an act likely to harm national defense not foreseen and repressed by another text.

ART. 80. - Will be punished by imprisonment anyone, in time of peace, with a view to harming national defense, who will have obstructed the circulation of military or other material, by any means whatsoever, provoked, facilitated or organized a violent action or concerted action having these obstacles as its aim or result.

ART. 81. - Will be punished by imprisonment anyone, in time of peace, who knowingly participates in an enterprise to demoralize the army with the aim of harming national defense.

ART. 82. - Will be punished with imprisonment of one to five years and a fine of 30,000 to 300,000 ouguiya whoever, in time of peace, enlists soldiers on behalf of a foreign power, in Mauritanian territory.

### ***SECTION III - Attacks, plots and other offenses against the authority of the State and the integrity of the national territory***

ART. 83. - The attack whose aim was either to destroy or change the constitutional regime, or to incite citizens to arm themselves against the authority of the State, or to arm themselves against each other, or to undermine the integrity of the national territory, will be punished with forced labor for life.  
The execution or attempt alone will constitute the attack.

ART. 84. - The conspiracy having as its aim the crimes mentioned in the preceding article, if it was followed by an act committed or begun to prepare for its execution, will be punished with forced labor for ten to twenty years. If the conspiracy was not followed by an act committed or begun to prepare for its execution, the penalty will be imprisonment.

There is a conspiracy as soon as the resolution to act is concerted and agreed between two or more people.

If there has been a proposal made and not approved to form a conspiracy to commit the crimes mentioned in article 83, the person who made such a proposal will be punished by imprisonment of one to ten years and a fine of 30,000 to 600,000 ouguiya. The culprit may also be prohibited, in whole or in part, from the rights mentioned in article 36.

ART. 85. - Anyone, except in the cases provided for in articles 83 and 84, who undertakes, by any means whatsoever, to undermine the integrity of the national territory or to subtract from the authority of Mauritania part of the territories on which this authority is exercised, will be punished by imprisonment of one to ten years and a fine of 30,000 to 600,000 ouguiya.

ART. 86. - Those who have raised and raised armed troops or enlisted, had soldiers engaged or enlisted or have provided them with weapons or ammunition, without order or authorization from the legitimate power, will be punished with forced labor for life.

ART. 87. - Those who, without right or legitimate reason, have taken a. any military command, those who, against the advice of the government, have retained such a command, the

Commanders who have kept their army or troop assembled after dismissal or separation have been ordered will be punished with forced labor for life.

ART. 88. - When one of the offenses provided for in articles 83, 85, 86 and 87 has been carried out or simply attempted with the use of weapons, the penalty will be death.

ART. 89. - Any person who, being able to dispose of the public force, has requested or ordered, has requested or ordered the action or employment to prevent the execution of the laws on military recruitment or on mobilization will be punished with labor forced for ten to twenty years.

If this requisition or this order has had its effect, the culprit will be punished with forced labor for life.

#### ***SECTION IV: Crimes tending to disturb the State through massacre or devastation***

ART. 90. - Those who have committed an attack whose aim was to cause massacre or devastation in one or more towns will be punished by death. The execution or attempt alone will constitute the attack.

ART. 91. - The conspiracy having as its aim the crime provided for in the preceding article, if it was followed by an act committed or begun to prepare its execution, will be punished with forced labor for life.

If the conspiracy was not followed by an act committed or begun to prepare for its execution, the penalty will be forced labor for ten to twenty years.

There is a conspiracy as soon as the resolution to act is concerted and agreed between two or more people.

If there has been a proposal made and not approved to form a conspiracy to commit the crimes mentioned in the preceding article, the person who made such a proposal will be punished by imprisonment.

ART. 92. - Anyone who intends to disturb the State by one of the crimes provided for in articles 88 and 90 or by the invasion, pillage or sharing of public or private property or by attacking or resistance towards the public force acting against the perpetrators of this crime, will have put himself at the head of armed bands or will have exercised any function or command.

The same penalty will be applied to those who have directed the association, raised or caused to be raised, organized or caused to be organized gangs or have, knowingly and voluntarily, provided or procured subsidies, armies, munitions and instruments of crime, or sent them subsistence or who will have in any other way practiced intelligence with the directors or commanders of the bands.

ART. 93. - Individuals belonging to gangs, without exercising any command or employment, will be punished with forced labor for ten to twenty years.

***SECTION V: Crimes committed by participation in an insurrectional movement***

ART. 94. - Individuals who, in an insurrectional movement:

1. Will have made or helped to make barricades, entrenchments, or any other work intended to hinder or stop the exercise of public office;
2. Have prevented, with the help of violence or threats, the summons or assembly of the public force, or who have provoked or facilitated the gathering of insurgents, either by the distribution of orders or proclamations, or by the using flags or other rallying signs, or by any other means of appeal;
3. Will, in order to attack or resist the public force, invade or occupy buildings, posts and other public establishments, inhabited or uninhabited houses. The penalty will be the same for the owner or tenant who, knowing the aim of the insurgents, will have provided them with entry to said houses without constraint.

ART. 95. - Individuals who, in an insurrectional movement:

1. Have seized weapons, ammunition or materials of any kind, either with the help of violence or threats, or by the looting of shops or posts, stores, arsenals or other public establishments, or by the disarmament of law enforcement officers;
2. Will have carried either visible or hidden weapons, or ammunition, or a uniform or costume or other civil or military insignia.

If individuals carrying weapons, visible or hidden, or ammunition, were dressed in a uniform, costume or other civil or military insignia, they will be punished with forced labor for life.

Individuals who use their weapons will be punished by death.

ART. 96. - Those who have led or organized an insurrectional movement or who have knowingly and voluntarily supplied or procured weapons, ammunition and instruments of crime, or sent substances or who have, in any way, practiced intelligence will be punished by death. with movement directors or commanders.

***SECTION VI: Miscellaneous provisions***

ART. 97. - Will be punished in time of war by forced labor for at least ten years and twenty years at most, and in time of peace by imprisonment of one to five years and a fine of 30,000 to 300,000 UM, any person who, having knowledge of plans or acts of treason, espionage, other activities likely to harm national defense, does not make a declaration thereof to the military, administrative or judicial authorities from the moment he will have known them.

In addition to the persons designated in article 54, anyone other than the author or accomplice will be punished as an accomplice:

1. Will provide, without constraint and with knowledge of their intentions, subsidies, means of existence, accommodation, place of retirement or meeting to the perpetrators of crimes and offenses against the security of the State.
2. Will knowingly carry the correspondence of the perpetrators of such crimes or offenses, or will knowingly facilitate them, in any manner whatsoever, in the search, concealment, transport, or transmission of the object of the crime or offense.

In addition to the persons designated in article 435, anyone, other than the perpetrator or the accomplice, will be punished as receiver:

1. Will knowingly receive the objects or instruments used or intended to be used to commit the crime or offense or the objects, materials or documents obtained by the crime or offense.
2. Will knowingly destroy, subtract, conceal, conceal or alter a public or private document likely to facilitate the investigation of the crime or offense, the discovery of evidence or the punishment of these perpetrators.

In the cases provided for in this article, the court may exempt from the penalty incurred the relatives or allies of the criminal, up to the fourth degree inclusive.

ART. 98. - Will be exempt from the penalty incurred who, before any execution or attempt of a crime or an offense against the security of the State, gives the first knowledge of it to the administrative or judicial authorities.

The penalty will only be lowered by one degree if the denunciation occurs after the commission or attempt of the crime or offense, but before the opening of proceedings.

The penalty will also be reduced by one degree for the guilty party which, after the opening of proceedings, will result in the arrest of the authors or accomplices of the same offense or other offenses of the same nature of equal gravity.

Except for specific crimes that they have personally committed, no sentence will be imposed against those who, having been part of an armed band without exercising any command and without fulfilling any job or function, have withdrawn at the first warning. civil or military authorities or will have surrendered to these authorities.

ART. 99. - Those who are exempt from punishment by application of the preceding article may nevertheless be prohibited from staying as in correctional matters and deprived of the rights listed in article 36.

ART. 100. - The remuneration received by the guilty party, or the amount of its value when the remuneration could not be seized, will be declared acquired in the Treasury by the judgment.

Confiscation of the object of the crime or offense and the objects and instruments used to commit it will be ordered.

The term weapons includes all machines, all cutting, piercing or blunt instruments or utensils. Pocket knives and scissors, simple canes and any other objects whatsoever will only be deemed weapons if they have been used to kill, injure or strike.

## **CHAPTER II - Gatherings**

ART. 101. - The following are prohibited on the public highway or in a public place:

1. Any armed gathering; 2.  
Any unarmed gathering which could disturb public peace.

The gathering is armed if one of the individuals who compose it is carrying an apparent weapon and if several of them are carrying hidden weapons or any objects, visible or hidden, having served as weapons or brought in intended to be used as weapons.

Representatives of the public force with a view to dissipating a gathering or to ensure the execution of the law, a judgment or warrant of justice may use force if violence or assault is carried out against them, or They cannot otherwise defend the land they occupy or the posts entrusted to them.

In other cases, the gathering is dispersed by force after either the prefect, a police commissioner or any other judicial police officer wearing the insignia of his office:

1. Will have announced its presence by a sound or light signal likely to effectively warn the individuals constituting the gathering; 2. Will have summoned the people participating in the gathering, in the language of the majority of them, to disperse using a loudspeaker or using a sound or light signal also likely to effectively warn the individuals constituting the gathering; 3. Will have proceeded in the same manner to a second summons If the first remained without result.

The nature of the signals which must be used will be determined by decree.

ART. 102. - Any unarmed person who, being part of an armed or unarmed gathering, does not abandon it after the first summons will be punished with imprisonment of two months to one year.

The imprisonment will be from six months to three years If the unarmed person continued to voluntarily be part of an armed gathering that only dispersed when force was used.

Persons convicted under this article may be deprived, for at least one year and at most five years, of all or part of the rights mentioned in article 36 of the Penal Code.

ART. 103. - Without prejudice, where applicable, to harsher penalties, anyone, in a gathering during a demonstration or on the occasion of a meeting, will be punished with imprisonment of six months to three years. found carrying an apparent or hidden weapon or any visible or hidden objects that were used as weapons or brought with the intention of being used as weapons.

The imprisonment will be from one to five years in the case of a gathering dispersed by force.



Persons convicted under this article may be banned from residence and deprived of the rights mentioned in article 36 of the Penal Code for at least five years and ten years at most.

Ban from the national territory may be pronounced against any foreigner who is guilty of one of the offenses provided for in this article.

ART. 104. - Any direct provocation of an unarmed gathering either by speeches made publicly, or by writing or printing, displayed or distributed, will be punished by imprisonment of one month to one year, if it has been followed up, and, otherwise, imprisonment of two months to six months and a fine of 20,000 to 100,000 UM or one of these two penalties only.

Any direct provocation by the same means to an armed gathering is punishable by imprisonment of one year to five years, if it was followed by effect, and, otherwise, by imprisonment of three months to one year and a fine of 20,000 to 100,000 UM or one of these two penalties only.

ART. 105. - Proceedings for assembly offenses do not preclude prosecution for crimes or specific offenses which may have been committed in the midst of assemblies.

The provisions of articles 46 et seq. of the Code of Criminal Procedure are applicable to the offenses provided for and punished by this chapter and committed on the very premises of the assembly.

Any person who continues to be part of a gathering after the second summons made by a representative of the public authority may be ordered to pay monetary compensation for the damage caused by this gathering.

### **CHAPTER III - Offenses and crimes against the constitution**

#### ***SECTION ONE - Crimes and offenses relating to the exercise of civil rights***

ART. 106. - When, by crowds, assaults or threats, one or more citizens are prevented from exercising their civil rights, each of the culprits will be punished by imprisonment of at least six months and at most two years, and the prohibition of the right to vote and to be eligible for at least five years and ten years at most.

ART. 107. - If these acts were committed following a concerted plan to be executed either on the territory of the entire Republic, or in one or more departments, or in one or more districts, the penalty will be forced labor on time. .

ART. 108. - Any citizen who, being responsible, in a poll, for counting the ballots containing the votes of citizens, will be caught falsifying these ballots, or subtracting from the mass, or adding to them, or registering non-literate voters on the ballots names other than those which would have been declared to him, will be punished with the penalty of civic degradation.

ART. 109. - All other persons guilty of the facts set out in the preceding article will be punished by imprisonment of at least six months and not more than two years, and by prohibition of the right to vote and to be elected for five years. at least and ten years at most.

ART. 110. - Any citizen who, in the elections, bought or sold a vote at any price, will be punished with prohibition of the rights of citizen and of any function or employment for at least five years and ten years at most.

In addition, the seller and the buyer of the vote will each be sentenced to a fine double the value of the things received or promised.

#### ***SECTION II - Attacks on freedom***

ART. 111. - When a public official, an agent or an employee of the government has ordered or carried out any arbitrary or infringing act either on individual freedom, or on the civil rights of one or more citizens, or on the constitution, he will be condemned to the penalty of civic degradation.

If, nevertheless, he proves that he acted by order of his superiors for objects within their jurisdiction and on which hierarchical obedience was due to them, he will be exempt from the penalty, which will, in this case, be , applied only to superiors who have given the order.

ART. 112. - If it is a minister who ordered or carried out the acts or one of the acts mentioned in the preceding article, he will be punished with forced labor on time.

ART. 113. - If the ministers accused of having ordered or authorized the act contrary to the constitution claim that the signature attributed to them was surprised, they will be required, by stopping the act,

to denounce the one they declare to be the author of the surprise; otherwise, they will be prosecuted personally

ART. 114. - The damages which could be pronounced due to the attacks expressed in article 111 will be requested, either through criminal proceedings or through civil proceedings, and will be settled, having regard to the people, the circumstances and the damage. suffered, without in any case and regardless of the injured individual, said damages being below 20 UM for each day of illegal and arbitrary detention and for each individual.

ART. 115. - If the act contrary to the constitution was done based on a false signature of the name of a minister or a public official, the authors of the forgery and those who knowingly used it will be punished with forced labor in time of ten to twenty years, the maximum of which will always be applied in this case.

ART. 116. - Public officials responsible for the administrative or judicial police who have refused or neglected to respond to a legal complaint tending to establish illegal and arbitrary detentions, either in houses intended for the custody of detainees, or anywhere else, and who will not justify having denounced them to the higher authority, will be punished with civic degradation and liable for damages, which will be settled as stated in article 114.

ART. 117. - Officials and agents responsible for penitentiary establishments, who have received a prisoner without warrant or judgment, or when it concerns an expulsion or extradition without a provisional order from the government, those who have detained him or have refused to present it to the police officer or to the bearer of his orders, without justifying the defense of the Public Prosecutor of the judge, those who have refused to exhibit their registers to the police officer will be, as guilty of arbitrary detention, punishable by six months to two years of imprisonment and a fine of 5,000 to 20,000 UM.

ART. 118. - Any officer of the judicial police, all prosecutors general or of the Republic, all substitutes, all judges, who will have provoked, given or signed a judgment, an order or a mandate will be found guilty of forfeiture, punished with civic degradation. tending to the personal prosecution or accusation either of a minister or of a member of the National Assembly, without the authorizations prescribed by the laws of the State, or who, in cases of flagrante delicto or public outcry, will have, without the same authorizations, given or signed the order or mandate to seize or arrest one or more ministers or members of the National Assembly.

ART. 119. - Prosecutors general or of the Republic, substitutes, judges or public officers who have detained or caused to be detained an individual outside the places determined by the government or by the administration, or who have been detained will also be punished with civic degradation. will have brought a citizen before a criminal court without having previously been legally charged.

### ***SECTION III - Coalition of civil servants***

ART. 120. - Any concert of measures contrary to the laws, practiced either by the assembly of individuals or bodies depository of any part of public authority, or by deputation or correspondence between them, will be punished by imprisonment of two months at less and six months at most against

each culprit, who may also be sentenced to ban on civil rights and all public employment for up to ten years.

ART. 121. - If, by one of the means expressed above, measures have been concerted against the execution of the laws or against the orders of the government, the penalty will be forced labor for life.

If this concert took place between the civil authorities and the military bodies or their leaders, those who are the authors or provocateurs will be punished with forced labor for life.

ART. 122. - In the event that this concert has as its object or result a plot detrimental to the security of the State, the culprits will be punished by death.

ART. 123. - Public officials who, by deliberation, have stopped giving resignations whose object or effect would be to prevent or suspend either the administration of justice will be guilty of forfeiture and punished with civic degradation. , or the performance of any service.

#### ***SECTION IV - Encroachment by administrative and judicial authorities***

ART. 124. - Will be guilty of criminal offense and punished with civic degradation:

1. Judges, attorneys general or of the Republic or their substitutes, judicial police officers who interfere in the exercise of legislative power, either by regulations containing legislative provisions, or by arresting or suspending the execution of one or more laws, whether by deliberating whether the laws will be published or executed; 2. Judges, attorneys general or of the Republic or their substitutes, judicial police officers who have exceeded their power by interfering in matters assigned to administrative authorities, either by making regulations on these matters, or by defending to execute orders emanating from the administration, or who, having authorized or ordered the summoning of administrators for reasons of the exercise of their functions, would have persisted in the execution of their judgment or order, notwithstanding the annulment which would have been pronounced or the conflict which would have been notified to them.

ART. 125. - Judges who, on the formal claim made by the administrative authority of a case brought before them, nevertheless proceed to judgment before the decision of the higher authority, will each be punished with a fine of 5,000 UM at least less to 20,000 UM at most.

Officers of the public prosecutor who have made requisitions or given conditions for the said judgment will be punished with the same penalty.

ART. 126. - The penalty will be a fine of at least 5,000 UM and at most 40,000 UM against each of the judges who, after a legal complaint from the interested parties or the administrative authority, have, without authorization from the government, issued orders or issued warrants against its agents or employees, accused of crimes or offenses committed in the exercise of their functions.

The same penalty will be applied to officers of the public prosecutor or the police who have requested said orders or warrants.

ART. 127. - Governments, prefects and other administrators who have interfered in the exercise of legislative power, or who have interfered in issuing decrees tending to issue orders or defenses of any kind to courts or tribunals, will be punished with civic degradation.

ART. 128. - When these administrators undertake judicial functions by interfering in knowing private rights and interests within the jurisdiction of the courts, and when after the claim of the parties or one of them they will nevertheless have decided the case before the higher authority has pronounced, they will be punished with a fine of at least 5,000 UM and at most 20,000 UM.

## CHAPTER IV - Crimes and offenses against public peace

### ***SECTION I - fakes and counterfeits***

#### *§1 Counterfeit money.*

ART. 129. - Anyone who counterfeits or alters gold or silver coins which are legal tender in Mauritania or participates in the issue or exhibition of said counterfeit or altered currencies or in their introduction into the territory, will be punished with forced labor for life .

Anyone who counterfeits or alters billon or copper coins which are legal tender in Mauritania, or participates in the issue or exhibition of said counterfeit or altered coins or in their introduction into the territory, will be punished with forced labor on time. .

ART. 130. - Any individual who, in Mauritania, counterfeits or alters foreign currencies, or participates in the issue, exhibition or introduction into Mauritania of counterfeit or altered foreign currencies, will be punished with forced labor on time.

ART. 131. - Will be punished with imprisonment of six months to three years anyone who has colored the currencies legal tender in Mauritania or foreign currencies with the aim of deceiving about the nature of the metal, or who has issued or introduced them into Mauritanian territory .

Those who participated in the issue or introduction of coins thus colored will be punished with the same penalty.

ART. 132. - The participation set out in the preceding articles does not apply to those who, having received counterfeit, altered or colored coins as good, put them back into circulation.

However, anyone who has used said coins after having checked them or had them checked for defects, will be punished with a fine three times at least and six times at most of the sum represented by the coins which he will have returned to circulation, without this fine may, in no case, be less than 5,000 UM.

ART. 133. - The subscription, issue or putting into circulation of means of payment intended to supplement or replace the monetary symbols having legal tender, will be punished by imprisonment of one to five years and a fine of 20,000 UM to 2,000,000 UM or one of these two penalties only.

Means of payment subscribed, issued or put into circulation contrary to the prohibitions of this article will be seized by the agents authorized to record violations. Their confiscation must be ordered by the court.

ART. 134. - Persons guilty of the crimes mentioned in article 129 will be exempt from punishment if, before the commission of these crimes and before any prosecution, they have given knowledge of them and revealed the perpetrators to the constituted authorities or if, even after the prosecution begun, they secured the arrest of the other culprits. They may nevertheless be prohibited from staying.

*§2. Counterfeiting of State seals, banknotes, public instruments and hallmarks, stamps and brands.*

ART. 135. - Those who have counterfeited the State seal or used the counterfeit seal, those who have counterfeited or falsified either bills issued by the Public Treasury with its stamp or mark, or bank notes authorized by law or notes of the same nature issued by the Treasury, or who have used these counterfeit or falsified effects and notes or who have introduced them into Mauritanian territory will be punished with forced labor for life.

Counterfeit seals, counterfeit or falsified bills and notes will be confiscated and destroyed.

The provisions of the preceding article are applicable to the crimes mentioned above.

ART. 136. - Those who have counterfeited or falsified either one or more national stamps, or the State hammers used to mark gold or silver materials, or who have used papers, effects, stamps, hammers or falsified or counterfeit hallmarks, will be punished with forced labor in time.

ART. 137. - Will be punished by imprisonment anyone who, having unduly obtained the real stamps, hammers or punches having one of the destinations expressed in article 136, will have made an application or use prejudicial to the rights or interests of the State.

ART. 138. - Will be punished by imprisonment of two to five years and a fine of 5,000 UM to 600,000 UM:

1. Those who have counterfeited the marks intended to be affixed in the name of the government on various kinds of foodstuffs or merchandise, or who have made use of these false marks;
2. Those who have counterfeited the seal, stamp or mark of any authority, or who will have used a counterfeit seal, stamp or brand;
3. Those who have counterfeited the letterheads or official printed matter used in the Assemblies established by the constitution, the public administrations or the various jurisdictions, who have sold, peddled or distributed them, or who have used the papers or printed matter thus counterfeited;
4. Those who have counterfeited or falsified postage stamps, franking imprints or reply coupons issued by the Mauritanian Postal Administration and movable stamps, who have sold, hawked, distributed or knowingly used said stamps, imprints or coupons - counterfeit or falsified response.

The guilty parties may, in addition, be deprived of the rights mentioned in article 36 of this code for at least five years and at most ten years from the day on which they have served their sentence. They may also be banned from residence for the same number of years.

In all cases, the corpus delicti will be confiscated and destroyed. The preceding provisions will be applicable to attempts at these same offenses.

ART. 139. - Anyone who has improperly obtained real seals, marks, stamps or printed matter provided for in the preceding article, who has made or attempted to make a fraudulent application or use of them, will be punished by imprisonment of six months to three years and a fine of 5,000 to 300,000 UM.

The guilty parties may also be deprived of the rights mentioned in article 36 of this code for at least five years and at most ten years, from the day on which they have served their sentence. They may also be banned from residence for the same number of years.

ART. 140. - Will be punished by imprisonment of ten days to six months and a fine of 5,000 UM to 40,000 UM:

1. Those who have manufactured, sold, peddled or distributed any objects, printed matter or formulas, obtained by any process whatsoever and which, by their external form, would present with coins or bank notes having legal tender in Mauritania or in abroad, with annuity securities, vignettes and stamps from the Post and Telecommunications service or State authorities, shares, bonds, interest shares, dividend coupons or interest relating thereto and generally with fiduciary securities issued by the State, public establishments as well as by private companies, companies or enterprises, a resemblance likely to facilitate the acceptance of said objects, printed matter or formulas, in place of the imitated values;
2. Those who have manufactured, sold, peddled or used printed matter which, by their format, their color, their text, their typographical arrangement or any other character would present, with the official letterheads or printed matter in use in the assemblies established by the constitution, the public administration and the various jurisdictions, a resemblance likely to cause misunderstanding in the mind of the public;
3. Those who have used postage stamps or movable stamps that have already been used, as well as those who have by any means altered stamps with the aim of removing them from cancellation and thus allowing their subsequent reuse;
4. Those who have overloaded by printing, perforation or any other means postage stamps or other postal fiduciary values which have expired or not, with the exception of operations prescribed by the Post and Telecommunications Office, on their behalf, as well as those who will have sold, hawked, offered, distributed, exported postage stamps thus overprinted;
5. Those who have counterfeited, imitated or altered the stickers, stamps, franking imprints or reply coupons issued by the postal services of a foreign country, who have sold, peddled or distributed the said stickers, stamps, imprints of postage or coupons or who have used them;
6. Those who have counterfeited, imitated or altered Mauritanian or foreign postal identity cards, postal service subscription cards, who have sold, hawked or distributed said cards or have used them.

In all cases provided for in this article, the corpus delicti will be confiscated and destroyed.

### *§3. Forgeries in public or authentic writing.*

ART. 141. - Any civil servant or public officer who, in the exercise of his functions, commits forgery either by false signatures, or by alteration of acts, writings or signatures, or by supposition of persons, or by writings made or inserted on registers or other public documents, since their confiscation or closure, will be punished with forced labor for life.



ART. 142. - Will also be punished with forced labor for life, any civil servant or public officer who, in drawing up acts of his ministry, will have fraudulently distorted the substance or the circumstances either by writing conventions other than those which would have been drawn up or dictated by the parties, either by establishing false facts as true, or by admitting facts which were not true.

ART. 143. - All other persons who have committed forgery of authentic and public writing will be punished with forced labor in time:

- either by counterfeiting or alteration of writings or signatures; -
- either by making an agreement, provisions, obligations or discharges, or by their insertion after the fact in these acts;
- either by addition or alteration of clauses, declarations or facts that these acts were intended to receive and establish.

All military administrators or accountants who knowingly refer to roles, status reports or reviews, a number of men, vehicles or days of presence beyond the number of personnel, who exaggerate the figures will be punished with the same penalty. consumption or commit any other falsehood in their accounts.

ART. 144. - In all the cases expressed in this paragraph, the person who has used false acts will be punished with forced labor on time.

ART. 145. - The forgeries provided for in articles 149 to 152 are excepted from the above provisions, subject to the provisions of article 148.

*§4. Forgery in private, commercial or banking writing.*

ART. 146. - Any individual who, in one of the ways expressed in article 143, commits or attempts to commit forgery of private, commercial or banking documents, will be punished by imprisonment of one to five years and a fine of 5,000 to 600,000 UM.

The guilty party may be deprived of the rights mentioned in article 36 for at least five years and at most ten years; he may, in addition, be sentenced to a residence ban for at least two years and at most five years.

ART. 147. - Whoever uses or attempts to use the counterfeited coin will be punished with the same penalties.

ART. 148. - Excluded from the above provisions are false certificates of the kind which will be discussed below.

*§5. False clerks in certain administrative documents, in roadmaps and certificates*

ART. 149.- Anyone who has counterfeited, falsified or altered permits, certificates, booklets, cards, bulletins, receipts, passports, passes or other documents issued by public administrations with a view to establishing a right, compensation or status, granting an authorization will be punished by imprisonment of six months to three years and a fine of 5,000 to 150,000 UM.

The guilty party may, in addition, be deprived of the rights mentioned in article 36 of this code for at least five years and at most ten years from the day on which he received his sentence.

The attempt will be punished as the completed offense.

The penalties will be applied:

1. To anyone who has made use of the said documents, counterfeited, falsified or altered;
2. To anyone who has made use of the documents referred to in the first paragraph, when the mentions invoked by the interested party have become incomplete or inaccurate.

ART. 150. - Anyone who has been wrongly issued or has attempted to be wrongly issued one of the documents provided for in the preceding article, either by making false declarations, or by taking a false name or a false capacity, or by providing false information, certificates or attestations, will be punished by imprisonment of three months to two years and a fine of 5,000 UM to 50,000 UM.

The same penalties will be applied to anyone who makes use of such a document, either obtained under the aforementioned conditions, or established under a name other than their own,

The official who issues or causes to be issued one of the documents provided for in the preceding article to a person he knows is not entitled to it will be punished by imprisonment of one year to four years and a fine of 5,000 UM to 50,000 UM, without prejudice to the more serious penalties that he could incur by application of articles 171 et seq. The guilty party may, in addition, be deprived of the rights mentioned in article 36 of this code for at least five years and at most ten years from the day on which he received his sentence.

ART. 151. - Landlords and innkeepers who knowingly register in their registers, under false or assumed names, persons lodged with them or who, in collusion with them, have failed to register them, will be punished by imprisonment of ten days to six months and a fine of 5,000 UM to 50,000 UM.

ART. 152. - Anyone who fabricates a false roadmap, or falsifies an originally true roadmap, or uses a fabricated or falsified roadmap, will be punished, namely:

- Imprisonment of at least six months and a maximum of three years if the false roadmap was intended only to deceive the supervision of the public authority; - Imprisonment of at least one year and at most four years if the Public Treasury paid the bearer of the false document travel expenses which were not due to him or which exceeded those to which he was entitled, the all nevertheless below 1,000 MU; - Imprisonment of at least two years and at most five years If the sums unduly received by the holder of the document amount to UM 5,000 or more.

In the last two cases, the guilty parties may also be deprived of the rights mentioned in article 36 of this code for at least five years and at most ten years, from the day on which they have served their sentence. They may also be prohibited from staying by order or judgment for the same number of years.

ART. 153. - The penalties laid down in the preceding article will be applicable, according to the distinctions established therein, to any person who has had a road map issued by the public officer under an assumed name or who has made use of a road map issued under a name other than his own.

ART. 154. - If the public officer was informed of the assumption of name when he issued the route sheet, he will be punished, namely:

- In the first case posed by article 152, imprisonment of at least one year and four years at most;
- In the second case of the same article, imprisonment of at least two years and five years at most;
- In the third case, imprisonment of five years to ten years.

In all cases, he may, in addition, be deprived of the rights mentioned in article 36 of this code for at least five years and ten years at most, from the day on which he has served his sentence.

ART. 155. - Any person who, to compensate himself or herself or another from any public service, creates under the name of a doctor, surgeon or other health officer a certificate of illness or infirmity, will be punished imprisonment of at least one year and not more than three years.

ART. 156. - Except in the case of corruption provided for in article 171 below, any doctor, dental surgeon, midwife or nurse who, in the exercise of his duties and to favor someone, falsely certifies or conceals the existence of illness or infirmity or a state of pregnancy or will provide false information on the origin of an illness, infirmity, temporary or permanent incapacity or the cause of death, will be punished by imprisonment of one to three years.

The guilty party may also be deprived of the rights mentioned in article 36 of this code for at least five years and at most ten years from the day on which he received his sentence.

ART. 157. - Anyone who produces under the name of a civil servant or public officer a certificate of good conduct, indigence or other circumstances likely to attract the goodwill of the government or individuals towards the person designated therein and to provide him with places, credit or assistance, will be punished by imprisonment of six months to two years.

The same penalty will be applied:

1. To anyone who falsifies a certificate of this type, originally true, to appropriate it to a person other than the one to whom it was originally issued;
2. To any individual who has used the certificate thus manufactured or falsified.

If the certificate is made under the name of a private individual, the making and use will be punishable by fifteen days to six months' imprisonment.

Will be punished by imprisonment of six months to two years and a fine of 5,000 to 60,000 UM or one of these two penalties only, without prejudice to the application, where applicable, of harsher penalties provided for by this code and the special laws, anyone:

1. Will have knowingly established an attestation or certificate materially stating facts inaccurate;
2. Will have falsified or modified in any way an attestation or certificate originally sincere; 3.

Will have knowingly used an inaccurate or falsified attestation or certificate.

ART. 158. - The forgeries repressed in this paragraph which could result either in injury to third parties or harm to the Public Treasury will be punished, as appropriate, according to the provisions of paragraphs 3 and 4 of the this section.

### *Common provisions*

ART. 159. - The application of penalties imposed against those who have used false, counterfeit, fabricated or falsified coins, notes, seals, stamps, hammers, hallmarks, marks and writings will cease whenever the forgery has not been known to the person who used the false thing.

ART. 160. - A fine will be imposed on the guilty parties, the minimum of which will be 5,000 and the maximum of 150,000 UM; the fine may, however, be increased to a quarter of the illegitimate benefit that the forgery will have provided or was intended to provide to the perpetrators of the crime or misdemeanor, their accomplices or those who used the counterfeit document.

## ***SECTION II - Abuse and crimes and misdemeanors of public officials in the exercise of their functions***

ART. 161. - Any crime committed by a public official in the exercise of his functions is a crime.

ART. 162. - Any crime for which the law does not impose a more serious penalty is punishable by civic degradation.

ART. 163. - Simple offenses do not constitute criminal offences.

### *§1. Subtractions committed by public depositories.*

ART. 164. - Any civil or military agent of the State of a public authority or a public establishment, of a cooperation or association benefiting from the support of the State, of a society of which the State or a public authority holds at least half of the capital, whether or not he or she is a public accountant, any person with a public mandate or any public or ministerial officer who has committed the embezzlement or dissipation provided for in the exercise of his or her functions. article 379 of this code, will be punished by imprisonment of five to ten years; in addition, a fine of 5,000 UM to 1 million UM will be imposed.

ART. 165. - Will be punished with the same penalties any person designated in the preceding article who, during the exercise of his functions, will have removed effects, receipts or writings containing or operating obligation or discharge, or who in any other circumstance will have fraudulently obtained from the State or a public authority by means of false documents or any maneuvers sums of money or material advantages which she knew were not due to her.

ART. 166. - The investigation and detection of the offenses specified above when they have been committed to the detriment of the State or public or semi-public organizations referred to in article 164 will be entrusted to authorized State agents for this purpose, in accordance with the regulatory provisions taken pursuant to this law.

Prior to any prosecution, the perpetrators of the above-mentioned offenses will have been given notice, by the State agent responsible for the investigation, to return or represent the effects, money, goods or objects of any kind, notes, receipts or writings. , containing or operating obligation or discharge which they had diverted, subtracted or obtained fraudulently.

ART. 167. - The application of mitigating circumstances will be subject to restitution or reimbursement, before judgment, of at least a third of the misappropriated or subtracted value.

The benefit of the stay may only be granted in the event of restitution or reimbursement before judgment of at least three quarters of the said value.

The mitigating circumstances or the benefit of the suspension provided for above may only apply if the funds and effects misappropriated or the objects obtained fraudulently have been returned spontaneously by the author of the offense or by his accomplice or upon their express indications or denunciations. .

## *§2. Concussions committed by public officials.*

ART. 168. - All civil servants, all public officers, their clerks or agents, all collectors of duties, taxes, contributions, funds, public or municipal revenues, and their clerks or agents, who are guilty of the crime of extortion by ordering to collect or by demanding or receiving what they knew was not due or in excess of what was due for duties, taxes, contributions, money or income, or for wages or salary, will be punished, namely: civil servants or officers, of the penalty of imprisonment, and their clerks or servants of imprisonment of at least two years and of five years at most, when the totality of the sums unduly demanded or received, or the collection of which was ordered, was greater than 6,000 UM.

Whenever the totality of these sums does not exceed 6,000 UM, the civil servants or public officers designated above will be punished by imprisonment of two to five years, and their clerks or employees by imprisonment of one year. at least and four years at most.

Attempting this offense will be punished like the offense itself.

In all cases where the sentence of imprisonment is pronounced, the guilty parties may, in addition, be deprived of the rights mentioned in article 36 of this code for at least five years and ten years at most, from the day on which they will have suffered their sentence; they may also be prohibited from staying by order or judgment for the same number of years.

In all cases provided for in this article, the guilty parties will be sentenced to a fine, the maximum of which will be one quarter of the restitutions and damages, and the minimum one twelfth.

The provisions of this article are applicable to clerks and ministerial officers, when the act was committed in connection with the receipts for which they are responsible by law.

*§3. Offenses by officials who interfere in business or commerce incompatible with their status.*

ART. 169. - Any civil servant, any public officer, any government agent who, either openly, or by simulated acts, or by the interposition of persons, will have taken or received any interest whatsoever in the acts, adjudications, undertakings or management of which he has or had, at the time of the act, in whole or in part, the administration or supervision, will be punished by imprisonment of at least six months and two years at most and will be sentenced to a fine which may not exceed a quarter of restitutions and compensation, nor be less than a twelfth.

He will also be declared forever incapable of exercising any public function.

This provision is applicable to any government official or agent who has taken any interest in a matter for which he was responsible for ordering the payment or carrying out the liquidation.

Any public official, any agent or employee of a public administration, responsible, by reason of their function, for the supervision or direct control of a private enterprise and who, either in a position of leave or availability, or after admission upon retirement, either after resignation, dismissal or revocation, and for a period of five years from the cessation of the function, will take or receive a participation through work, advice or capital (except by hereditary devolution, with regard to the capital) in concessions, companies or companies which were directly subject to its supervision or control, will be punished with the same prison sentence and a fine of 5,000 to 240,000 UM.

He will also be subject to the incapacity established by paragraph 2 of this article.

The managers of concessions, companies or management companies considered to be complicit will be subject to the same penalties.

ART. 170. - Any head of administrative or military district who, within the scope of the places where he is entitled to exercise his authority, carries out openly or by simulated acts, or through the interposition of persons, the trade in any good whatsoever. or, will be punished by imprisonment of six months to two years and confiscation of property belonging to the business.

*§4. Corruption of public officials and employees of private companies*

ART. 171. - Will be punished by imprisonment of two to ten years and a fine double the value of the promises agreed or the things received or requested, without said fine being less than 20,000 UM, anyone who requests or agrees to offers or promises, solicited or received donations or gifts for:

1. Being invested with an elective mandate, public official of the administrative or judicial order, military or similar, agent or employee of a public administration or an administration placed under the control of public power, or citizen responsible for 'a ministry of public service, doing or refraining from doing an act of his functions or his employment, fair or not, but not subject to salary;
2. Being an arbitrator or expert appointed either by the court or by the parties, render a decision or give a favorable or unfavorable opinion to a party; 3. Being a doctor, dental surgeon, midwife, falsely certify or conceal the existence of illnesses, infirmities or temporary or permanent incapacities or a state of pregnancy or provide misleading information on the origin of a illness or infirmity or the cause of death.

Any clerk, employee or servant, employed or remunerated in any form who, either directly, or through intermediaries, will have, without the knowledge and consent of his boss, either solicited or accepted offers or promises, or solicited or received donations, gifts, commissions, discounts or bonuses to make or 'refrain from performing any act of his employment.

If the offers, promises, donations or solicitations tended towards the accomplishment or abstention of an act which, although outside the personal attributions of the corrupt person, was or would have been facilitated by his function or by the service that he she assured, the penalty will be in the case of paragraph 1 of the first paragraph, imprisonment of one to three years and a fine of 10,000 to 200,000 UM and in the case of the second paragraph, imprisonment of six months to two years, and a fine of 5,000 to 80,000 UM or one of these two penalties only.

ART. 172. - Will be punished by imprisonment of at least one year and not more than five years, and by the fine provided for in the first paragraph of the preceding article, any person who has solicited or approved offers or promises, solicited or received donations or presents to obtain decorations, medals, distinctions or rewards, places, functions or jobs or any favors granted by the public authority, markets, businesses or other benefits resulting from treaties concluded with the public authority or, in general, a favorable decision of such an authority or administration and will thus have abused real or supposed influence.

However, when the culprit is one of the persons referred to in paragraph 1 of the first paragraph of article 171 and he has abused the real or supposed influence given to him by his mandate or his position, the prison sentence will be two years at least and ten years at most.

ART. 173. - Anyone, to obtain either the performance or the abstention of an act, or the favors or advantages provided for in articles 171 and 172, will have used assault or threats, promises, offers, gifts or presents or yielded to solicitations tending to corruption, even if he did not take the initiative, will be, whether the coercion or corruption has produced its effect or not, punished with the same penalties as those provided for in the said articles against corruption. corrupt person.

ART. 174. - In the event that corruption or influence peddling has as its object a criminal act carrying a stronger penalty than that of imprisonment, this stronger penalty will be applied to the guilty parties.

In the cases provided for in paragraph 1 , paragraph 3 of Article 171, in paragraph 2 of Article 172, the guilty party, if he is an officer, will also be punished by dismissal.

The corrupter will never be given restitution of the things delivered by him, nor of their value; they will be confiscated for the benefit of the Treasury.

ART. 175. - If it is a judge ruling in criminal matters or a juror who has allowed himself to be corrupted, either in favor or in advance of the accused, he will be punished with imprisonment, in addition to the fine ordered by the section 171.

ART. 176. - If, as a result of corruption, there is a sentence greater than that of imprisonment, this sentence, whatever it may be, will be applied to the judge or juror guilty of corruption.

ART. 177. - Any judge or administrator who decides in favor of a party or out of enmity against it, will be guilty of forfeiture and punished with civic degradation.

*§5. First class: Abuses of authority against individuals.*

ART. 178. - Any official of the administrative or judicial order, any officer of justice or police, any commander or agent of the public force who, acting in his said capacity, enters the home of a citizen against the will of the latter, except in the cases provided for by law and without the formalities it has prescribed, will be punished by imprisonment of six days to one year, and by a fine of 5,000 to 30,000 UM, without prejudice to the application of the second paragraph of article 111.

Any individual who enters the home of a citizen using threats or violence will be punished by imprisonment of six days to three months and a fine of 5,000 to 20,000 UM.

ART. 179. - Any judge of the court, any administrator or administrative authority who, under any pretext whatsoever, even silence or obscurity of the law, will have denied rendering the justice he owes to the parties, after having been required, and who perseveres in his offense after warning or injunction from his superiors may be prosecuted and will be punished with a fine of at least 10,000 UM and at most 60,000 UM, and prohibition from the exercise of functions public for five years to twenty years.

ART. 180. - When a civil servant or public officer, an administrator, an agent or an employee of the government or the police, an executor of legal mandates or judgments, a commander in chief or a sub-order of the public force has, without legitimate reason, used or caused to use violence against people in the exercise or during the exercise of his functions, he will be punished according to the nature and seriousness of this violence and by increasing the penalty according to the rule posed by article 190 below.

ART. 181. - Any deletion, any opening of a letter entrusted to the post office committed or facilitated by a civil servant or an agent of the government or the postal administration, will be punished



a fine of 5,000 to 30,000 UM and imprisonment of three months to five years. The culprit will also be banned from any public office or public employment for a minimum of five years and a maximum of ten years.

Apart from the cases provided for in paragraph 1 of this article, any deletion or opening of correspondence addressed to third parties, made in bad faith, will be punished by imprisonment of ten days to one year and a fine of 5,000 to 30,000 UM, or one of these two penalties only.

*Second class: Abuse of authority against public affairs.*

ART. 182. - Any public official, agent or employee of the government, of whatever status and rank, who has requested or ordered, causes the action or use of public force to be requested against the execution of a law or against the collection of a legal contribution, or against the execution either of an order or a mandate of justice, or of any other order emanating from legitimate authority, will be punished by imprisonment.

ART. 183. - If this requisition or this order has had its effect, the penalty will be the maximum of imprisonment.

ART. 184. - The penalties set out in articles 182 and 183 will not cease to be applicable to civil servants or employees who have acted by order of their superiors only to the extent that this order has been given by them for objects within their jurisdiction, and on which they were owed hierarchical obedience; in this case, the penalties mentioned above will only be applied to the superiors who are the first to give this order.

ART. 185. - If, as a result of said orders or requisitions, other crimes occur punishable by harsher penalties than those expressed in articles 182 and 183, these stronger penalties will be applied to the officials, agents responsible guilty of having given the said orders or makes said requisitions.

*§6. Some offenses relating to the keeping of civil status documents.*

ART. 186. - Civil registrars who have recorded their acts on simple loose sheets will be punished by imprisonment of at least one month and three months at most, and by a fine of 5,000 to 20,000 UM.

ART. 187. - The penalties laid down in the preceding article against civil status officers will be applied to them, even if the nullity of their acts has not been requested or has been covered, all without prejudice to the harsher penalties pronounced in the event of collusion.

*§7. The exercise of public authority illegally anticipated or prolonged.*

ART. 188. - Any agent or civil servant subject to the oath and who has entered into the exercise of his functions without having taken it, may be prosecuted and will be punished with a fine of 5,000 to 20,000 UM.

ART. 189. - Any public official dismissed, dismissed, suspended or legally prohibited who, after having official knowledge thereof, will have continued the exercise of his functions, or who, being elective or temporary, will have exercised them after having been replaced, will be punished imprisonment of at least six months and two years at most, and a fine of 5,000 to 40,000 UM. He will be prohibited from exercising any public function, for at least five years and for a maximum of ten years from the day on which he has served his sentence, all without prejudice to harsher penalties brought against military officers or commanders. by article 87 of this code.

#### *Particular dispositions*

ART. 190. - Except in cases where the law specially regulates the penalties incurred for crimes or offenses committed by civil servants or public officers, those of them who have participated in other crimes or offenses which they were responsible for monitoring or repress will be punished as follows:

- If it is a criminal police offense, the penalty will be double that attached to the type of offense;
- And if it is a crime, they will be condemned, namely: imprisonment if the crime carries any other culprit the penalty of civic degradation;
- To forced labor on time if the crime carries the penalty of imprisonment against any other culprit;
  - And to forced labor for life when the crime carries against any other culprit the penalty of hard labor on time;
- Beyond the cases which have just been expressed, the common penalty will be applied without aggravation.

### ***SECTION III - Resistance, disobedience and other failures towards public authority***

#### *§1. Rebellion.*

ART. 191. - Any attack, any resistance with violence and assault against ministerial officers, field or forest guards, the public force, those responsible for the collection of taxes and contributions, bearers of constraints, customs officials, receivers, officers and agents of the administrative or judicial police, acting for the execution of laws, orders or orders of public authority, judicial mandates or judgments, is qualified, depending on the circumstances, as a crime or offense of rebellion.

ART. 192. - If it was committed by more than twenty armed people, the culprits will be punished with forced labor in time, and if there was no carrying of weapons, they will be punished with imprisonment.

ART. 193. - If the rebellion was committed by a meeting of three or more armed persons, up to twenty inclusive, the penalty will be imprisonment; if there was no carrying of weapons, the penalty will be imprisonment of at least six months and two years at most.

ART. 194. - If the rebellion was only committed by one or two people with weapons, it will be punished by imprisonment of six months to two years and if it took place without weapons, by imprisonment of ten days to six months.

ART. 195. - In the event of rebellion with a band or assembly, article 98, paragraph 4 of this code will be applicable to rebels without functions or jobs in the band, who have withdrawn at the first warning from the public authority, or even since , if they were only seized outside the place of rebellion, and without new resistance and without weapons.

ART. 196. - Any assembly of individuals for a crime or misdemeanor is deemed to be an armed assembly when more than two people carry conspicuous weapons.

ART. 197. - Persons who find themselves equipped with hidden weapons and who have been part of a troop or assembly deemed to be armed will be individually punished as if they had been part of an armed troop or assembly.

ART. 198. - The authors of crimes and offenses committed during and on the occasion of a rebellion will be punished with the penalties pronounced against each of these crimes, if they are stronger than those of the rebellion.

ART. 199. - Whoever provokes rebellion will be punished as guilty of rebellion, either by speeches held in public places or meetings, or by placards, posters, or by writing or printed matter. In the event that the rebellion does not take place, the provocateur will be punished by imprisonment of at least ten days and not more than one year.

ART. 200. - In all cases where a simple prison sentence is imposed for rebellion, the guilty parties may also be sentenced to a fine of 5,000 to 30,000 UM.

ART. 201. - Those which have been formed with or without weapons, and accompanied by violence or threats against the administrative authority, police officers and agents or against the public force will be punished as rebel meetings:

1. By workers or day laborers in public workshops or factories;
2. By individuals admitted to hospices;
3. By prisoners, defendants, accused or condemned.

ART. 202. - The penalty applied for rebellion to prisoners, defendants, accused or condemned, in relation to other crimes or offenses, will be suffered by them, namely:

- By those who, because of the crimes or offenses which caused their detention, are or would be sentenced to a non-capital or life sentence, immediately after the expiration of their sentence;
- And by others, immediately after the judgment or judgment of last resort which will have acquitted them or dismissed them absolved of the act for which they were detained.

ART. 203. - The leaders of a rebellion, and those who provoke it, may be prohibited from staying, after the expiration of their sentence, for at least five years and ten years at most.

*§2. Insults and violence against those with authority or public force.*

ART. 204. - When one or more magistrates of the administrative or judicial order, when one or more jurors have received, in the exercise of their functions, or on the occasion of this exercise, some contempt by words, in writing or drawing not made public, tending, in these various cases, to indict their honor or their delicacy, the person who addresses this insult to them will be punished by imprisonment of fifteen days to two years.

If the contempt by speech took place at the hearing of a Court or tribunal, the imprisonment will be two to five years.

ART. 205. - Contempt made by gestures or by threats or by sending any objects with the same intention and aimed at a magistrate or a juror, in the exercise or on the occasion of the exercise of his functions, will be punished from one month to six months of imprisonment and, if the contempt took place at the hearing of a Court or tribunal, it will be punished by imprisonment of one month to two years.

ART. 206. - Contempt by words, gestures, threats, writings, drawings not made public or by sending any objects whatsoever and aimed at any ministerial officer or agent holding the public force and at any citizen responsible for a ministry of public service, in the exercise or on the occasion of the exercise of its functions, will be punished by imprisonment of ten days to one month, and by a fine of 5,000 to 30,000 UM or one of these two sentences only.

ART. 207. - The contempt mentioned in the preceding article, when it has been directed against a commander of the public force, will be punished by imprisonment of fifteen days to three months, and may also be punished by a fine of 5,000 to 30,000 UM.

ART. 208. - Anyone who has publicly, by actions, words or writings, sought to discredit an act or a judicial decision, in conditions likely to undermine the authority of justice or its independence, will be punished with one to six months' imprisonment and a fine of 5,000 to 200,000 UM or one of these two penalties only.

The court may, in addition, order that its decision be posted and published under the conditions it determines at the expense of the convicted person, without these costs exceeding the maximum fine provided for above.

The preceding provisions cannot, under any circumstances, be applied to purely technical comments nor to acts, words or writings aimed at reviewing a conviction.

When the offense has been committed through the press, the provisions of article 263 of this code will apply.

ART. 209. - Will be punished with the penalties provided for in the preceding article, anyone who has published, before the intervention of the final jurisdictional decision, comments tending to exert pressure on the statements of witnesses or on the decision of the investigating courts or of judgment.

ART. 210. - Any individual who, even without weapons and without resulting in injury, will have struck a magistrate 'in the exercise of his functions or on the occasion of this exercise, or committed

any other violence or assault against him in the same circumstances will be punished by imprisonment of two to five years.

The maximum of this sentence will always be imposed if the assault took place during the hearing of a court or tribunal.

The guilty person may, moreover, in both cases be deprived of the rights mentioned in article 36 of this code for at least five years and at most ten years, from the day on which he has served his sentence, and be prohibited from stay for the same number of years.

ART. 211. - In either of the cases expressed in the preceding article, the guilty person may also be sentenced to move away, for five to ten years, from the place where the magistrate sits, and within a radius of twenty kilometers. This provision will be implemented from the day the condemned person has served his sentence.

If the convicted person violates this order before the expiration of the fixed time, he will be punished with the penalties provided for the violation of a stay ban order.

ART. 212. - Violence or assault of the kind expressed in article 210 and directed against a ministerial officer, an agent of the public force or a citizen in charge of a public service ministry, if they took place during that they exercised their ministry or on this occasion will be punished by imprisonment of at least one month and three years at most, and by a fine of 5,000 to 20,000 UM.

ART. 213. - If the violence exercised against the officials and agents designated in articles 210 and 212 was the cause of bloodshed, injuries or illness, the penalty will be imprisonment.

If death follows and this has been confirmed by a medical certificate, the penalty will be "Geissase" or "DY".

ART. 214. - Even in the event that this violence has not caused bloodshed, injuries or illness, the blows will be punished by imprisonment if they were carried out with premeditation or ambush.

ART. 215. - If the blows were carried out or the injuries caused to one of the officials or agents designated in articles 210 and 212, in the exercise or on the occasion of the exercise of their functions, with the intention of giving the death and this takes place, the culprit will be punished with the death penalty.

### *§3. Refusal of a legally owed service.*

ART. 216. - Any commander of arms or military subdivision, legally seized of a requisition from the civil authority and who will have refused or will have abstained from having the forces act under his orders, will be punished by dismissal and a imprisonment of one year to two years or one of these two penalties only.

ART. 217. - Criminal laws and regulations relating to military subscription will continue to be enforced.

ART. 218. - Witnesses and jurors who have alleged an excuse recognized as false will be sentenced, in addition to the fines imposed for non-appearance, to imprisonment of ten days to two months.

*§4. Escape of detainees, or prisoners of war.*

ART. 219. - Whenever an escape of detainees or prisoners of war takes place, the commanders or sub-orders, either of the gendarmerie or of the armed force serving as escort or garrisoning the posts, the guards, jailers and all other persons responsible for the conduct, transport or custody of detainees or prisoners will be punished as provided for in the following articles.

The penalties imposed for the case of connivance will also be incurred if the persons designated in the preceding paragraph attempted to procure or facilitate an escape, even if this was neither completed nor attempted, and even if the preparations would have been carried out without the knowledge of the detainee or prisoner. They will also be incurred when the assistance in escape consists only of voluntary abstention.

ART. 220. - If the detainee was charged with police offenses or simply infamous crimes or convicted for one of these offenses, or if he was a prisoner of war, those responsible for his custody or conduct will be punished, in the event of negligence, imprisonment of ten days to six months and a fine of 5,000 to 20,000 UM and, in the case of connivance, imprisonment of six months to three years and a fine of 5,000 to 60,000 UM.

Those who, even not being responsible for the custody or conduct of the detainee or prisoner of war, will have procured, facilitated or attempted to procure or facilitate his escape or his flight once the escape has been accomplished, will be punished with imprisonment of one month to two years and a fine of 5,000 to 50,000 UM.

ART. 221. - If the prisoners or one of them were warned or accused of a crime likely to result in a punitive penalty in time or convicted of such a crime, the penalty will be, against those in charge of custody or conduct, in case of negligence, imprisonment of two months to eighteen months and a fine of 5,000 to 40,000 UM; in case of connivance, imprisonment.

Those who, even not being responsible for the custody or conduct of the detainee, will have procured, facilitated or attempted to procure or facilitate his escape or his flight once the escape has been accomplished, will be punished by imprisonment of two months to three years and a fine of 5,000 to 60,000 UM.

ART. 222. - If the prisoners, or one of them, are warned or accused of crimes likely to result in the death penalty or life sentences, or if they are sentenced to one of these penalties, their conductors or guards will be punished with one to three years of imprisonment and a fine of 5,000 to 20,000 UM in the event of negligence; forced labor on time in case of connivance.

Those who, even not being responsible for the custody or conduct of the accused, will have procured, facilitated or attempted to procure or facilitate his escape or his flight once the escape has been accomplished, will be punished with imprisonment of one year at least and five years at most and a fine of 10,000 UM at least and 100,000 UM at most.

ART. 223. - If the escape took place or was attempted with violence or prison breakage, the penalties against those who favored it by providing the instruments suitable for carrying it out will be:

- If the detainee was in the case provided for by article 220, three months to three years of imprisonment and a fine of 5,000 to 60,000 UM; in the case of article 221, one year to four years of imprisonment and a fine of 5,000 to 80,000 UM; and, in the case of article 222, two years to five years of imprisonment and a fine of 10,000 to 100,000 UM, all without prejudice to the harsher penalties provided for in the preceding articles.

In the latter case, the guilty parties may, in addition, be deprived of the rights mentioned in article 36 of this code for at least five years and ten years at most, from the day on which they have served their sentence.

ART. 224. - In all the above cases, when the third parties who have procured or facilitated the escape have achieved it by corrupting the guards or jailers, or in collusion with them, they will be punished with the same penalties as the said guards and jailers.

ART. 225. - If the escape with breakage or violence was favored by the transmission of weapons, the guards and drivers who participated in it will be punished with forced labor for life, the other people with forced labor for a period of time.

ART. 226. - All those who have colluded in the escape of a detainee will be jointly and severally condemned, by way of damages, to all that the civil party of the detainee would have been entitled to obtain against him.

ART. 227. - Prisoners who have escaped or who have attempted to escape by breaking prison or by violence will, for this sole fact, be punished with imprisonment of at least six months, which may be increased up to one penalty equal to that for which they were detained, if they were detained preventively, to that attached by law to the charge which motivated the detention, without it being able, in either case, exceed five years of imprisonment: all without prejudice to the harsher penalties that they could have incurred for other crimes or offenses that they would have committed during their violence.

They will suffer this penalty immediately after the expiration of that which they will have incurred for the crime or offense for which they were detained or immediately after the judgment or judgment which will have acquitted them or released them acquitted of the said crime or offense.

Any detainee transferred to a health or hospital establishment and who, by any means whatsoever, escapes or attempts to escape will be punished with the same penalty which will be suffered under the same conditions.

Any convicted person who escapes or attempts to escape while being voluntarily employed outside a penitentiary establishment, or benefiting from permission to leave a penitentiary establishment.

ART. 228. - Anyone who is sentenced for having encouraged an escape or attempts to escape to imprisonment of more than six months may, in addition, be banned from residence for a period of five to ten years.

ART. 229. - The penalties established above against drivers or guards, in cases of negligence only, will cease when the escapees have been recaptured or have represented themselves, provided that it is within four months of the escape and that they are not arrested for other crimes or offenses committed subsequently.

No prosecution will take place against those who have attempted to procure or facilitate an escape if, before it has been carried out, they have informed the administrative or judicial authorities of the plan and revealed the perpetrators to them.

ART. 230. - Without prejudice to the application, where applicable, of the stronger penalties laid down in the preceding articles, anyone who has, in irregular conditions, delivered or sent or attempted to deliver or send to a detainee, anywhere, sums of money, correspondence or any objects.

The irregular exit or attempted exit of sums of money, correspondence or any objects will be punished with the same penalties.

The acts referred to in the two preceding paragraphs will be considered as carried out in irregular conditions, if they were committed in violation of a regulation emanating from the management of the prison administration or approved by it.

If the culprit is one of the persons designated in article 219, or a person authorized by his functions to approach detainees in any capacity whatsoever, the penalty for him will be imprisonment of six months to two years. .

*§5. Breaking of seals and removal of parts from public repositories.*

ART. 231. - When the seals affixed, either by order of the government, or following a court order issued in any matter whatsoever, have been broken, the guards will be punished, for simple negligence, from ten days to six months 'imprisonment.

ART. 232. - If the breaking of seals applies to the papers and effects of an individual accused of or accused of a crime justifying the death penalty or forced labor for life, or who is sentenced to one of these penalties , the negligent guard will be punished with six months to two years of imprisonment.

ART. 233. - Anyone who willfully breaks or attempts to break seals affixed to papers or effects of the quality set out in the preceding article or participates in the breaking of seals or the attempted breaking of seals, will be punished with imprisonment of one year to three years. If it is the guard who broke the seals or participated in breaking the seals, he will be punished with imprisonment of two to five years.

In either case, the guilty party will be fined between 5,000 and 60,000 UM.

He may, in addition, be deprived of the rights mentioned in article 36 of this code for at least five years and at most ten years, from the day on which he has served his sentence; he may also be banned from residence for the same number of years.



ART. 234. - With regard to all other breaches of seals, the culprits will be punished by six months to two years of imprisonment, and if it is the guard himself, he will be punished by two to five years of the same penalty.

ART. 235. - Any theft committed with the help of breaking seals will be punished as theft committed with the aid of break-in.

ART. 236. - As for the subtractions, destruction and removal of documents or criminal proceedings, or other papers, registers, acts and effects contained in the archives, registries or public deposits, or handed over to a public depositary in this capacity, the penalties will be against registrars, archivists, notaries and other negligent depositaries with three months' imprisonment and a fine of 5,000 to 30,000 UM.

ART. 237. - Anyone who is guilty of the theft, kidnapping or destruction mentioned in the preceding article will be punished by imprisonment. If the crime is the work of the depositor himself, he will be punished with forced labor in time.

ART. 238. - If the breaking of seals, theft, kidnapping or theft of parts have been committed with violence against persons, the penalty will be, against any person, that of forced labor on time without prejudice to harsher penalties, if it is appropriate, according to the nature of the violence and other crimes which would be associated with it.

#### *§6. Degradation of monuments.*

ART. 239. - Anyone who destroys, demolishes, mutilates or degrades monuments, statues and other objects intended for public utility or decoration and erected by the public authority or with its authorization, will be punished by imprisonment of one months to two years and a fine of 5,000 to 20,000 UM.

#### *§7. Theft of titles or functions.*

ART. 240. - Anyone, without title, who interferes in public, civil or military functions, or who acts in one of these functions will be punished by imprisonment of two to five years, without prejudice to the penalty of forgery if the act bears the character of this crime.

ART. 241. - Any person who publicly wears a costume, uniform or decoration that does not belong to them will be punished by imprisonment of six months to two years and a fine of 10,000 to 300,000 UM.

Anyone who uses a title attached to a legally regulated profession without fulfilling the conditions required to use it will be punished with the same penalties.

Will be punished with a fine of 10,000 to 200,000 UM, anyone, without right, acts with a view to awarding themselves an honorary distinction other than that assigned to them by acts of civil status.

The court will order the judgment to be mentioned in the margins of authentic civil status documents in which the title has been wrongly taken or the name altered.

In all cases provided for by this article, the court may order the insertion in full or in extract of the judgment in the newspapers it designates.

All at the expense of the convicted person.

*§8. Irregular use of titles.*

ART. 242. - Will be punished by imprisonment of one to six months and a fine of 20,000 to 200,000 UM or one of these two penalties only, the founders, directors or managers of companies or establishments commercial, industrial or financial object which has made or allowed the name of a member of the government or a parliamentarian to appear, with mention of his position, in any advertising made in the interest of the company which they manage or which they propose to found.

In the event of a repeat offense, the penalties provided for above may be increased to one year's imprisonment and a fine of UM400,000.

ART. 243. - The directors or managers of companies or establishments with a commercial, industrial or financial purpose who have included or left the name of a former member of the government, a civil servant or former civil servant, a magistrate or former magistrate or a member of the national order, with mention of their quality, in any advertising made in the interest of the company which they manage or which they propose to build.

The same penalties will apply to all bankers or direct sellers who have used the advertisements provided for above.

ART. 244. - Persons exercising the profession of business agent or legal advisor who have made or allowed their status as honorary magistrate, former magistrate, honorary lawyer to appear will be punished with a fine of 5,000 to 60,000 UM. , former lawyer, public or ministerial officer, honorary accredited or former accredited, on all prospectuses, leaflets, advertisements, plaques, stationery, mandates and, in general, on all documents or writings whatsoever used as part of their activity.

It is prohibited under the same conditions and under the same penalties to claim professional diplomas allowing access to the functions of lawyer, public or ministerial officer or approved.

In the event of a repeat offense, the penalty provided for above may amount to 200,000 UM.

*§9. Practice of witchcraft, magic or charlatanism.*

ART. 245. - Will be punished with the penalties provided for in article 376, first paragraph of this code, anyone who has participated in a commercial transaction having as its object the purchase or sale of human bones or who has engaged in witchcraft practices, magic or charlatanism likely to disturb public order and harm people or property.

## ***SECTION IV: Criminal association, vagrancy and begging***

### *§1. Conspiracy.*

ART. 246. - Any association formed, whatever its duration or the number of its members, any agreement established with the aim of preparing or committing crimes against persons or property, constitutes a crime against public peace.

ART. 247. - Anyone who has affiliated with an association formed or participated in an agreement established for the purpose specified in the preceding article will be punished with the penalty of imprisonment. The penalty of relegation may also be imposed.

Persons who are guilty of the crime mentioned in this article will be exempt from punishment if, before any prosecution, they have revealed to the established authorities the agreement established or made known the existence of the association.

ART. 248. - When this crime has not been accompanied or followed by any other, the authors, directors of the association and the commanders-in-chief or subordinates of these bands will be punished with forced labor on time.

ART. 249. - Will be punished by imprisonment all other individuals responsible for any service in bands, and those who knowingly and voluntarily provide the bands or their divisions with weapons, ammunition, instruments of crime, accommodation, retreat or place of meeting.

### *§2. Vagrancy.*

ART. 250. - Vagrancy is an offense.

ART. 251. - Vagabonds are those who have neither certain domicile nor means of subsistence, and who usually exercise neither trade nor profession.

Minors under eighteen years of age who have, without legitimate cause, left either the home of their parents or guardians or the places where they were placed by those to whose authority they were subject or entrusted are considered vagrants. , or who have been found either wandering, or drawing their resources from debauchery or prohibited trades.

ART. 252. - Vagabonds who have been legally declared such will be punished with three to six months' imprisonment for this sole fact. They will, after serving their sentence, be banned from residence for at least five years and ten years at most.

However, vagrants under the age of sixteen cannot be sentenced to imprisonment but, upon proof of the facts of vagrancy, they will be prohibited from staying until they have reached the age of twenty.

ART. 253. - Individuals declared vagabonds by judgment may, if they are foreigners, be taken by government orders outside the territory of the Republic.

ART. 254. - Vagabonds born in Mauritania may, after a judgment even become final, be guaranteed by a solvent citizen. If the Government approves the surety, the individuals so bonded shall, by its orders, be returned or taken to the city assigned to them for residence, at the request of the surety.

### *§3. Begging.*

ART. 255. - Any able-bodied person found begging in a place for which there is a public establishment organized to prevent begging will be punished by three to six months' imprisonment.

In places where such establishments do not yet exist, normally able-bodied beggars will be punished with one month to three months' imprisonment.

ART. 256. - Valid beggars arrested outside the place of their residence will be punished by imprisonment of one month to one year.

ART. 257. - All beggars, even invalids, who have used threats or entered, without permission of the owner or the people of his house, either in a dwelling or in an enclosure dependent on him, or who feign wounds or infirmities, or who beg in a meeting, unless it is the husband and wife, the father or mother and their children, the blind man and his driver, will be punished with imprisonment of six months to two years.

### *Provisions common to vagabonds and beggars*

ART. 258. - Any beggar or vagabond who has been seized disguised in any way, or carrying weapons, although he has not used or threatened them, or provided with files, hooks or other proper instruments, is to commit theft or other crimes, or to provide him with the means to enter houses, will be punished by two to five years of imprisonment.

ART. 259. - Any beggar or vagabond who is found carrying one or more effects with a value greater than 1,000 UM, and who does not justify where they came from, will be punished with the penalty laid down in article 257. .

ART. 260. - Any beggar or vagabond who has carried out or attempted to carry out any act of violence whatsoever against people will be punished by imprisonment of two to five years, without prejudice to harsher penalties, if necessary. , due to the type and circumstances of the violence.

If the beggar or vagabond who carried out or attempted to carry out the violence was, in addition, in one of the circumstances expressed by article 258, he will be punished by imprisonment.

ART. 261. - The penalties established by this code against individuals carrying false certificates, false passports or false travel documents will always, in their kind, be increased to the maximum when they are applied to vagrants or beggars.

ART. 262. - Beggars who have been sentenced to the penalties imposed by the preceding articles will, after the expiration of their sentence, for at least five years and at most ten years, be prohibited from staying.

## ***SECTION V: Outrage to good morals committed in particular through the press and books***

ART. 263. - Will be punished with imprisonment of one month to two years and a fine of 5,000 to 150,000 UM, anyone who:

- manufactured or held for the purpose of trade, distribution, rental, display or exposure;
- imported or caused to be imported, exposed or caused to be exhibited, knowingly transported or caused to be transported for the same purposes;
- displayed, exposed or projected to the public eye; sold, rented, offered for sale or rental, even not publicly; - offered, even free of charge, even not publicly, in any form whatsoever, directly or by indirect means;
- distributed or delivered for distribution by any means.

All printed matter, all writings, drawings, posters, engravings, paintings, photographs, films or plates, matrices or photographic reproductions, emblems, all objects or images contrary to the good morals.

The convicted person may, in addition, be subject, for a period not exceeding six months, to a ban on exercising, directly or through an intermediary, in law or in fact, management functions of any business. printing, publishing or bundling and distributing newspapers and periodical publications. Anyone who contravenes the prohibition referred to above will be punished with the penalties provided for in this article.

ART. 264. - Will be punished with the same penalties:

- anyone who publicly makes songs, cries or speeches contrary to the morality;
- anyone who has publicly drawn attention to an opportunity for debauchery or has published an announcement or correspondence of this kind, whatever the terms.

ART. 265. - When the offenses provided for in this section are committed through the press, the directors of the publications or editors will, for the sole fact of the publication, be liable as the principal perpetrators to the penalties mentioned above. In their absence, the author and, in the absence of the author, the printers, distributors and posters will be prosecuted as the main authors.

When the author is not prosecuted as the main author, he will be prosecuted as an accomplice. May be prosecuted as accomplices and in all cases any persons to whom article 54 of this code could apply.

Importers, exporters or freight forwarders who knowingly participated in crimes committed through the press and referred to in article 263 of this code may be prosecuted directly as principal perpetrators.

ART. 266. - The penalties will be doubled if the offense was committed against a minor.

ART. 267. - Will be considered to be in a state of legal recidivism anyone, having been sentenced to any penalty by application of articles 263 to 266 which precede, will, within five years following the date on which this conviction became final, committed a new offense falling under the application of this law.

In the event of a repeat offense, the prison sentence provided for in article 263 may be doubled. The fine may be increased up to 600,000 UM.

The convicted person will also be prohibited from exercising directly or through an intermediary person, in law or in fact, management functions of any printing, publishing or grouping and distribution company of newspapers and periodical publications; however, the court may reduce this ban to a period which must not be less than six months. Anyone who contravenes the prohibition referred to above will be punished with the penalties provided for in article 263.

ART. 268. - The penalties laid down above may be imposed even though the various acts which constitute the elements of the offenses would have been carried out in different countries.

ART. 269. - The prosecution will take place before the criminal court following the rules of common law. However, when the offense has been committed through a book bearing the name of the author and the indication of the publisher and having been regularly the subject of legal deposit, prosecution can only be carried out after advice from a special commission whose composition and functioning will be determined by decree.

Associations recognized as being of public utility and whose statutes provide for the defense of public morality may, if they have been approved for this purpose by order of the Keeper of the Seals, Minister of Justice, and the Minister of the Interior, exercise for the offenses provided for in articles 263 to 268 the rights recognized to the civil party.

Judicial decisions in matters of outrages of morals committed through the press and books as well as prosecutions in matters of outrages of morals through books, will be under the conditions established by order of the Keeper of the Seals. , Minister of Justice, brought to the attention of the competent professional bodies which are authorized to inform all interested parties.

ART. 270. - Judicial police officers may, before any prosecution, seize writings, printed matter, drawings, engravings, one or more copies of which have been exposed to public view and which, by their nature contrary to good morals, would present a danger immediate for public morality. They may also seize, tear off, tear or cover posters of the same nature.

The provisions of the preceding paragraph do not apply to books which bear the name of the author and the indication of the publisher and which have been regularly the subject of legal deposit. However, in the event of a flagrant offense, judicial police officers may seize two copies of these books, even if they have not been exposed to public view.

The court will order the seizure and destruction of the objects used to commit the crime; he may, however, if the artistic character of the work justifies its conservation, order that all or part of it be transferred to the collections of the State repository.

Writings, printed matter, drawings, posters, engravings, paintings, photographs, films or plates, scrolls or discs, emblems or other objects or images referred to in article 263 above and imported into Mauritania may, before any prosecution, be seized at the border by judicial police officers.

## **TITLE II: Crimes and offenses against individuals**

### **CHAPTER ONE: Crimes and offenses against people**

#### ***SECTION I: Murder and other capital crimes, threats of attack against people***

##### *§1. Murder, assassination, parricide, infanticide, poisoning*

ART. 271. – Homicide committed voluntarily is qualified as murder.

ART. 272. – Any murder committed either discreetly, or with premeditation or ambush is qualified as assassination.

ART. 273. – Premeditation consists of the design formed before the action to attack the person of a specific individual, or even of the one who will be found or encountered, even if this design would depend on some circumstance or some condition.

ART. 274. – Ambush consists of waiting for more or less time, in one or various places, for an individual, either to kill him or to carry out acts of violence on him.

ART. 275. – The murder of the legitimate father and mother or any other legitimate ascendant is considered parricide.

ART. 276. – Infanticide is the murder or assassination of a newborn child.

ART. 277. – Poisoning is defined as any attack on the life of a person by the effect of substances which can cause death more or less quickly, in whatever way these substances were used or administered and whatever the consequences. sequels.

ART. 278. - Any person guilty of assassination, parricide or poisoning and when it is established that it is the poisoning which is the cause of death, will be punished by death.

If there is insufficient evidence, the <<Ghassama>> fifty-year oath will be applied, provided however that the accused and the victim are of the same religion, except in the case of assassination.

However, the mother, principal author or accomplice of the assassination or murder of her newborn child, will be punished with the death penalty; the same penalty will be applied to co-perpetrators and accomplices.



Anyone who is guilty of murder committed for the purpose of cannibalism will also be punished by death. Any act of cannibalism, any trafficking or transfer of human flesh for payment or free of charge will be punished with forced labor.

ART. 279. - Will be punished as guilty of assassination, all criminals, whatever their denomination, who, in the execution of their crimes, use torture or commit acts of barbarity.

ART. 280. - Murder will carry the penalty of "Ghuissas" when the victim and the culprit are all of the same religion or in the case of assassination. In all these cases, the person guilty of the crime of assassination will never be able to benefit from "pardon". In all other cases, he may benefit from a pardon, either for payment or free of charge from one of the victim's beneficiaries.

The confiscation of the weapon and any other means used to commit the murder will also be ordered.

## *§2. Threat.*

ART. 281. - Anyone who threatens in writing, anonymous or signed, image, symbol or emblem of assassination, poisoning or any attack against people who would be punishable by the death penalty, forced labor for life, will be, in the case where the threat was made with an order to deposit a sum of money in an indicated place, or to fulfill any other condition, will be punished by imprisonment of two to five years and a fine of 5,000 to 60,000 UM.

The guilty party may, in addition, be deprived of the rights mentioned in article 36 of this code, for at least five years and at most ten years, from the day on which he has served his sentence. The culprit may also be banned from residence for at least five years and ten years at most.

ART. 282. - If this threat was not accompanied by any order or condition, the penalty will be imprisonment of at least one year, of three years at most, and a fine of 5,000 to 50,000 UM.  
In this case, the sentence of ban on residence may be pronounced against the guilty party.

ART. 283. - If the threat made with an order or condition was verbal, the guilty party will be punished by imprisonment of six months to two years and a fine of 5,000 to 20,000 UM. In this case, the sentence of ban on residence may be pronounced against the guilty party.

ART. 284. - Anyone who threatens verbally or in writing with assault or violence not provided for in article 281, and if the threat was made with order or under conditions, will be punished by imprisonment of ten days to three months and a fine of 5,000 to 10,000 UM or one of these penalties only.

## ***SECTION II: Unqualified intentional injuries and assaults, murders, and other intentional crimes and offenses***

ART. 285. - Any adult person who, voluntarily, causes injury or strikes or amputates a member of the body, or any other violence or assault on an innocent person, will be punished with the penalty of "Ghissass" except in the cases listed below:

1. If the victim and the culprit are not of the same religion; 2. If the culprit benefited from the pardon of the victim, either for payment or free of charge 3. If the injury is so serious that the Ghissass sentence would risk putting the culprit's life in danger: beatings dagger in the stomach (*diarifa*) or when they damaged the brain (*mamouma*) or when they touched the brain (*dhamigha*) or finally, when they damaged a bone (*mounakhila*); 4. When the damaged body member is missing in the culprit; 5. When the damaged limb is totally and permanently incapacitated and the

Ghissass risks deleting;

6. If it is impossible to carry out a proportional assessment of the damage suffered by these types of blows or violence.

In all the cases listed above, only the sentence for civil reparations (the *Diya*) will be pronounced with the exception of the case provided for in paragraph 6, the penalty of which is provided for in article 287 of this code.

ART. 286. - When the blows or injuries have led to the loss of the eye of a one-eyed person, the victim will be entitled to two options: 1°) either Ghissass; 2°) or the total Diya.

In the case where the perpetrator(s) and the victim are blind in one eye, the punishment is total Diya. The same applies when the culprit has more than one finger amputated. In any case, there is neither Ghissass nor Diya until after healing.

In all cases, only the competent doctor can determine the importance of the assaults and injuries as well as their consequences, as well as the execution of Ghissass's sentence.

ART. 287. - When the injuries or blows or other violence and assaults do not meet the conditions of the sentence of Ghissass or Diya, the culprit will be punished with a prison sentence of ten days to two years and a fine of 5,000 to 20,000 UM.

ART. 288. - Any adult who has uttered remarks or displayed an attitude deemed insolent towards his or her legitimate father and mother or legitimate ascendants will be punished as follows:

1. From ten days to two years' imprisonment, if these types of comments, behavior or attitude did not result in violent assault leading to any incapacity for work. The Ghissass penalty applies to both close and distant relatives, with the exception of descendants on ascendants.

The Ghissass will only apply to ascendants who have committed a homicide on the person of their descendants only if it is voluntary and carried out by means of a slitting of the throat or a stab in the stomach. Apart from these cases, they will be sentenced to very large Diya which can only be paid on their own property.

In all cases, the person guilty of intentional homicide is automatically deprived of his right to enter into the estate of his victim.

However, the person guilty of manslaughter is only deprived of the right to inherit the Diya to which he is condemned to pay.

Any woman who voluntarily abandons her husband's marital home without valid and legitimate reason will be punished with the penalty provided for in paragraph 1 of this article.

Anyone who commits violence or assault on a child for whom he or she is not responsible for the education or deprives him of food, or who abstains, will be punished with a prison sentence of ten days to two years. to provide him with care thereby putting or exposing his health in danger.

The same penalty will be inflicted on any individual who refuses or neglects to fulfill his obligation of maintenance towards those who are his dependents (father and mother and legitimate descendants).

ART. 289. - The crimes and offenses provided for in this section and in the preceding section, if committed in a seditious meeting, with rebellion or pillage, are attributable to the leaders, authors, instigators and provocateurs of these meetings, rebellion or pillage who will be punished as guilty of these crimes or offenses, and sentenced to the same penalties as those who personally committed them.

ART. 290. - Any individual who has manufactured or sold by any type whatsoever the weapons prohibited by law or by regulations, will be punished by imprisonment of ten days to six months.

Anyone who carries said weapons will be punished with a fine of 5,000 to 100,000 UM.

In either case, the weapons will be confiscated. All without prejudice to a higher penalty in the event of complicity in a crime.

ART. 291. - In addition to the criminal penalties mentioned in the preceding articles, the courts may order a stay ban.

ART. 292. - Any person guilty of the crime of castration will be punished with the penalty provided for in article 285.

ART. 293. - Whoever, by food, drink, medicine, maneuvers, violence or by any other means, procures or attempts to procure the abortion of a pregnant or presumed pregnant woman, whether she has consented to it or not, will be punished imprisonment of one year to five years and a fine of 10,000 to 200,000 UM.

The imprisonment will be from five to ten years and the fine from 100,000 to 400,000 UM if it is established that the guilty party habitually engaged in the acts referred to in the preceding paragraph.

Any woman who obtains the abortion herself or attempts to obtain it or who consents to use the means indicated or administered for this purpose.

Doctors, health officers, midwives, dental surgeons, pharmacists, as well as pharmacy students or employees, herbalists, bandagists, surgical dealers, nurses,

nurses, masseurs, masseuses, who have indicated, favored or practiced the means of procuring abortion will be sentenced to the penalties provided for in the first and second paragraphs of this article. Suspension for at least five years or absolute incapacity to exercise their profession will also be pronounced against the guilty parties.

Anyone who contravenes the ban on exercising his profession pronounced under the preceding paragraph will be punished by imprisonment of at least six months, not more than two years, and a fine of at least 20,000 UM, of 400,000 UM at least. more, or one of these two penalties only.

In addition to the penalties mentioned in the first five paragraphs of this article, the courts may impose a stay ban for at least two years and at most ten years.

ART. 294. - Anyone who causes another person, even with their consent, an illness or incapacity for personal work by voluntarily administering to them, in any way whatsoever, substances which, without being likely to cause death, are harmful to health, will be punished by imprisonment of one month to five years and a fine of 5,000 to 20,000 UM. The court may also order a ban on residence for a minimum of two years and a maximum of ten years.

If the illness or incapacity for personal work lasts more than twenty days, the penalty will be imprisonment. In the event that the culprit has administered substances likely to cause death, but without the intention of causing it, and this has followed, he will suffer the penalty of forced labor in time.

If the offender has committed either the offense or the crime specified in the two paragraphs above, against one of the ascendants as they are designated in article 288, he will be punished in the first case with imprisonment and in the second case with forced labor on time.

### ***SECTION III - Homicide, involuntary injuries and blows, excusable crimes and misdemeanors, and cases where they cannot be excused; homicide, injuries and assaults which are neither offenses nor crimes***

#### ***§ I. Homicide, involuntary injuries and blows.***

ART. 295. - Whoever, through clumsiness, imprudence, negligence or non-compliance with regulations, involuntarily commits homicide or involuntarily causes it, will be sentenced to Diya, without prejudice to a prison sentence of three months to one year. .

Likewise, anyone who, under the conditions specified above, commits assault or injury resulting in mental disturbance or permanent infirmity, such as deprivation of one of the five senses, of voice, will be punished with the same penalty. , impotence, sterility, or paralysis.

The same sentence will be imposed when the injuries or blows have caused or caused the amputation of a pair of body members or any other bodily or aesthetic damage.

In the latter case, the compensation will be proportional to the extent of the damage.

However, the amputation of the tongue, the nasal septum, the penis gland and the blind man's eye is comparable to that of a pair of limbs.

ART. 296. - If the lack of skill or precaution results in injuries, blows or illness leading to incapacity for work, the guilty party will be sentenced to pay the Diya determined below:

1. half of the Diya when the injuries or blows only resulted in the deprivation of part of the even members of the body; 2. a third of the Diya when the blows or injuries have affected the brain (*dhamigha*) or when they have damaged the stomach (*mamouma*) or when the dagger has damaged the stomach (*El Jeifetou*) or touched the stomach; 3. one tenth and a half of the Diya when the blows or injuries have touched or disturbed or damaged a bone (*mounakhila*); 4. one tenth of the Diya for each finger in proportion to each phalanx; 5. half of the Diya when the blows and injuries have caused an apparent vision of the bone as well as for each tooth.

In all other cases, if despite recovery, the blows or injuries have left after-effects on the body of the victims, the court sets, after consulting the doctor, the proportional Diya depending on the nature of the after-effect.

*§2. Excusable crimes and offenses and cases where they can be excused.*

ART. 297. - Murder as well as injuries and blows are excusable, if they were caused by serious blows or violence against people.

ART. 298. - The crimes or offenses mentioned in the preceding article are also excusable, if they were committed by repelling during the day the climbing or breaking in of fences, walls or entrance to a house or inhabited apartment or of their dependencies. If the event occurred during the night, this case is regulated by article 305.

ART. 299. - Parricide is never excusable.

ART. 300. - The murder committed by the husband on the wife, by the latter on her husband, is not excusable. If the life of the husband or wife who committed the murder was not endangered at the very moment when the murder took place.

ART. 301. - The crime of castration, if it was immediately provoked by a violent outrage to modesty, will be considered as murder or excusable injuries.

ART. 302. - When the fact of excuse is proven, if it is a crime carrying the death penalty, or that of forced labor for life, the sentence will be reduced to imprisonment of one year to five years. If it concerns any other crime, it will be reduced to imprisonment of six months to two years.

In these first two cases, the guilty parties may also be banned from residence by the ruling or judgment for at least five years and ten years at most.

If it is a misdemeanor, the sentence will be reduced to imprisonment of ten days to six months.

*§3. Homicide, injuries, and assaults not classified as felonies or misdemeanors.*

ART. 303. - There is neither crime nor misdemeanor when the homicide, injuries and beatings were ordered by law and ordered by legitimate authority.

ART. 304. - There is neither crime nor misdemeanor when the homicide, injuries and blows were required by the current necessity of self-defense of oneself or others.

ART. 305. - Included in cases of current need for defense are the following two cases:

1. If the homicide was committed, if the injuries were caused, or if the blows were carried out while repelling, during the night, the climbing or breaking into the fences, walls or entrance to a house or 'an inhabited apartment or their outbuildings; 2. If the act took place while defending oneself against the perpetrators of theft or looting carried out with violence.

## ***SECTION IV: Attacks on Islamic morals***

*Heresy, apostasy, atheism, reluctance to pray, adultery*

ART. 306. - Any person who has committed a public outrage against modesty and Islamic morals or has violated sacred places or helped to violate them, if this action does not appear in the crimes leading to the Ghissass or the Diya, will be punished with a criminal penalty of three months to two years' imprisonment and a fine of 5,000 to 60,000 UM.

Any Muslim guilty of the crime of apostasy, either by word or by apparent or obvious action, will be asked to repent within three days.

If he does not repent within this time, he is condemned to death as an apostate, and his property will be confiscated for the benefit of the Treasury. If he repents before the execution of this sentence, the prosecution will refer the matter to the Supreme Court, for the purpose of his rehabilitation in all his rights, without prejudice to a correctional sentence provided for in the 1st paragraph of this article.

Any person guilty of the crime of apostasy (*Zendagha*) will, unless he first repents, be punished with the death penalty.

Any person guilty of the crime of indecent assault will be punished with a prison sentence of one month to two years.

Any adult Muslim who refuses to pray while recognizing the obligation of prayer will be invited to perform it up to the limit of the time prescribed for the performance of the obligatory prayer concerned. If he persists in his refusal until the end of this period, he will be punished with the death penalty.

If he does not recognize the obligation of prayer, he will be punished with the penalty of apostasy and his property confiscated for the benefit of the public treasury. He will not benefit from the office consecrated by the Muslim rite.

ART. 307. - Any adult Muslim of either sex, guilty of the crime of *Zina* committed voluntarily and established, either by (4) four witnesses, or by the confession of the perpetrator, or, with regard to the woman, if she is pregnant, will be publicly punished, if she is single, with a flogging penalty of one hundred (100) lashes and one year's imprisonment.

If the offender is male, the prison sentence will be carried out outside the place where the crime was committed.

If the culprit is ill, the execution of the sentence is suspended until recovery.

However, the death penalty by stoning, *Tajoum*, will be pronounced against the married or divorced culprit.

For pregnant women, the punishment of flogging and stoning is suspended until childbirth.

ART. 308. - Any adult Muslim who commits an immodest or unnatural act with an individual of his sex will be punished with death by public stoning. If there are two women, they will be punished with the penalty provided for in article 306, paragraph 1.

ART. 309. - Whoever commits the crime of rape will be punished with forced labor without prejudice, where applicable, to the penalties of *Had* and flogging if the culprit is single. If he is married, only the death penalty will be imposed.

However, the attempted crime of rape will only be punished with forced labor on time.

ART. 310. - If the culprits are the ascendants of the person on whom the attack was committed, if they are those who have authority over them, if they are hired servants of the persons designated above, if they are civil servants or ministers of religion, or if the culprit, whoever he may be, was aided in his crime by one or more people, the penalty will be forced labor for life and flogging, if the culprit is single. If he is married, only the death penalty will be imposed.

ART. 311. - The person who:

1. who in any way knowingly aids, assists or protects the prostitution of another or solicitation for prostitution
2. who, in any form, shares the proceeds of prostitution of others, or receives subsidies from a person habitually engaged in prostitution; 3. who knowingly lives with a person habitually engaged in prostitution; 4. who, in habitual relationship with one or more people engaging in prostitution, cannot demonstrate resources corresponding to their lifestyle; 5. who hires, trains or maintains, even with their consent, a person, even an adult, with a view to prostitution or delivers them to prostitution or debauchery; 6. who acts as an intermediary, in any capacity, between persons engaging in prostitution or debauchery and individuals who exploit or pay for the prostitution or debauchery of others;

7. who, by threat, pressure, maneuver or by any other means, obstructs the prevention or control action undertaken by public officials or qualified bodies.

Attempting the offenses referred to in this article is punishable by the penalties provided for these offenses.

ART. 312. - The penalty will be imprisonment of two to five years and a fine of 200,000 to 2,000,000 UM, in the case where:

1. the offense was committed against a minor; 2. the offense was accompanied by the threat of coercion, violence, assault, abuse of authority or fraud;
3. the perpetrator was carrying an apparent or hidden weapon; 4. the perpetrator is the husband, father, mother or guardian of the victim, or belongs to one of the categories listed in section 310;
5. the author is called to participate, through his functions, in the fight against prostitution, in the protection of health or maintenance of public order; 6. the offense was committed against several people; 7. the victims of the crime were handed over or invited to engage in prostitution outside the territory national;
8. the offense was committed by several perpetrators or co-perpetrators and accomplices.

Anyone who commits an offense against morals by habitually exciting, promoting or facilitating the debauchery or corruption of young people of either sex under the age of twenty-one will be punished with the penalties provided for in this article, or, even occasionally minors under sixteen.

The penalties provided for in article 311 and this article will be imposed, even though the various acts which are the constituent elements of the offenses would have been carried out in different countries.

Attempting the offenses referred to in this article is punishable by the penalties provided for these offenses.

ART. 313. - Will be punished by the penalties provided for in the preceding article any individual who holds, directly or through an intermediary person, who manages, directs or operates, finances or contributes to financing a prostitution establishment, who habitually tolerates the presence of a or several persons engaging in prostitution inside the hotel, furnished house, drinking establishment, club, club, dance hall or performance venue or their annexes, or any place open to the public or used by the public and of which he is the holder, guarantor or agent. The same penalties are applicable to any person who assists said holders, managers or employees. In the event of a new offense within ten years, the penalties incurred will be doubled.

In all cases, the culprits may also be placed by the ruling or judgment under a ban on residence for two to five years. Movable property used directly or indirectly to commit the offense will be seized and confiscated, regardless of the person it belongs to.

Attempted offenses referred to in articles 311 and 312 and the preceding article will be punished with the penalties provided for in these offenses.

ART. 314. - In all cases where the incriminated facts occurred in an establishment referred to in article 313 and whose holder, manager or employee is convicted by application of articles 312 or 313, the judgment will withdraw the license of which the convicted person would be a beneficiary and



will also pronounce the definitive closure of the establishment or parts of the establishment used for prostitution.

Those guilty of one of the offenses or the attempt of one of the offenses mentioned in articles 311, 312 or 313 will, for at least two years and twenty years at most, from the day on which they have suffered their sentence, be deprived of rights listed in article 36 and prohibited from any guardianship or curatorship.

In all cases, the ruling or judgment may pronounce the withdrawal of the passport as well as, for a period of three years at most, the suspension of the driving license. This duration may be doubled in the event of a recurrence.

Perpetrators of offenses provided for in articles 311, 312 or 313 may be ordered to reimburse any costs of repatriation of those whose prostitution they have exploited or attempted to exploit or contributed to exploit. When these costs have been advanced by the administration, they will be recovered as criminal justice costs.

ART. 315. - If the closure provided for in article 314 exceeds six months, the administrative authority may proceed, by requisition, to take possession of the premises for habitation for the corresponding period. The owner or tenant of said premises will remain required to provide the services enabling their use by the beneficiaries.

The automatic allocation ordered pursuant to the preceding paragraph is not enforceable against the owner who obtained the requisition of the lease due to facts likely to motivate the closure provided for in article 314.

ART. 316. - Regardless of the ban on residence that may be imposed, any person sentenced to a prison sentence pursuant to articles 311, 312, 314 is prohibited from appearing in the administrative district(s) in which the facts occurred. been committed for a period equal to double the prison sentence imposed. This period will start from the day the convicted person is released if he is detained, or from the day the decision becomes final otherwise.

The court may set aside this ban when the convicted person is not a repeat offender.

Any person who appears in a place prohibited to him in violation of the provisions of this article will be punished with the penalties provided for in article 39.

ART. 317. - In the event of legal proceedings carried out for one of the offenses mentioned in articles 311, 312 and 313, the investigating judge may:

1. Temporarily order, for a period of three months at most, the closure of the establishment or part of the establishment referred to in Article 313 of which the holder, manager or employee is charged;
2. Order provisionally and for the same period the total or partial closure of any hotel, furnished house, drinking establishment, restaurant, club, circle, dance hall, performance venue or other establishment open to the public or used for the public in which an accused will have found, among management or staff, assistance knowingly given during the proceedings to which he is the subject to deduce evidence, exert pressure on witnesses or promote the resumption of his activity in the future criminal.

In all cases, the temporary closure measures may, whatever their duration, be subject to renewal in the same manner for a period of no more than three months each.

Decisions prescribing this closure or its renewal and those ruling on release requests may be appealed to the Supreme Court within twenty-four hours of their execution or notification to the interested parties.

The penalties provided for in article 311 will be pronounced against anyone who, by attestation, certificate, fictitious document or by any other means or maneuver, facilitates or attempts to facilitate a pimp's justification of resources that he does not possess.

ART. 318. - Will be punished by imprisonment of six months to two years and a fine of 5,000 to 100,000 UM anyone, having for any reason whatsoever premises or locations not used by the public, knowingly knowingly uses them at the disposal of persons engaging in prostitution with a view to the habitual exercise of debauchery. The occupant and the person engaging in debauchery are jointly and severally liable for the payment of damages that may be awarded for the disturbance in the neighborhood.

In the event of habitual practice of the facts referred to above, the termination of the lease and the expulsion of the tenant, sub-tenant or occupant who engages in it or tolerates it, is pronounced by the judge in summary proceedings, at the request of the owner, main tenant, occupant or neighbors of the building.

## ***SECTION V: Illegal arrests and kidnapping of people***

ART. 319. - Will be punished with the penalty of forced labor in time those who, without orders from the constituted authorities and except in cases where the law orders the seizure of defendants, will have arrested, detained or sequestered any persons. Anyone who provides a place to carry out the detention or sequestration will suffer the same penalty.

Those who have concluded an agreement having the object of alienating, either gratuitously or for consideration, the freedom of a third person will also be punished with the same penalty. The confiscation of money, objects, or values received in execution of the said agreement will always be pronounced if the person subject to the agreement is under the age of fifteen.

Anyone who has pawned or received a person, whatever the reason, will be punished by imprisonment of one month to two years and a fine of 5,000 to 200,000 UM, or one of these two penalties only. The prison sentence may be increased to five years if the person pledged or received is under the age of fifteen. The guilty parties may also, in all cases, be deprived of the rights mentioned in article 36 of this code for at least five years and at most ten years.

ART. 320. - If the detention or sequestration lasted more than one month, the penalty will be forced labor for life.

ART. 321. - The penalty will be reduced to imprisonment of two years to five years if the culprits of the offenses mentioned in article 319, not yet prosecuted in fact, have released the person arrested, sequestered or detained before the tenth completed day, since that of the arrest,

detention, sequestration. They may nevertheless be prohibited from staying for at least five years and ten years at most.

ART. 322. - In each of the following two cases:

1. If the arrest was carried out in a false costume, under a false name, or on a false order from public authority; 2. If the individual arrested, detained or kidnapped has been threatened with death, the guilty parties will be punished with forced labor for life, but the penalty will be that of death if the persons arrested, detained or kidnapped have been subjected to forced labor. corporal torture resulting in death.

***SECTION VI: Crimes and offenses tending to prevent or destroy proof of the civil status of a child or to compromise his or her existence. Kidnapping of minors. Violations of burial laws.***

***§1. Crimes and offenses against children.***

ART. 323. - Those guilty of kidnapping, concealment or suppression of a child, substitution of one child for another, or of assuming a child to a woman who has not given birth will be punished by imprisonment.

If it is not established that the child lived, the penalty will be one month to five years' imprisonment; if it is established that the child did not live, the penalty will be ten days to two months' imprisonment.

Those who, being responsible for a child, do not represent it to people who have the right to claim it will be punished with imprisonment.

ART. 324. - Any person who, having attended a birth, has not made the declaration prescribed by law within the time limits set, will be punished by imprisonment of ten days to six months, and a fine of 5,000 to 20,000 UM or one of these two penalties only.

ART. 325. - Any person who, having found a newborn child, has not handed it over to the local authority or to the civil registrar, will be punished with the penalties set out in the preceding article.

This provision is not applicable to anyone who has agreed to take care of the child and who has made a declaration in this regard to the civil registrar of the place where the child was found.

ART. 326. - Those who have exposed or caused to be exposed, abandoned or caused to be abandoned in a solitary place a child or an incapable person incapable of protecting themselves due to their physical or mental state will, for this sole fact, be condemned to imprisonment of one year to three years and a fine of 5,000 to 60,000 UM.

ART. 327. - The penalty laid down in the preceding article will be two years to five years and a fine of 10,000 to 100,000 UM against the ascendants or any other person having authority over the child or the incapable person, or having custody.

ART. 328. - If exposure or neglect results in illness or total incapacity lasting more than twenty days, the maximum penalty will be applied. If the child or incapable person remains

mutilated or crippled, or if he remains suffering from a permanent infirmity, the culprits will suffer the penalty of imprisonment.

If the culprits are the persons mentioned in the preceding article, the penalty will be that of imprisonment in the cases provided for in the first paragraph of this article, and that of forced labor on time in the case provided for by the second paragraph above of the said article. .

When exposure or neglect in a solitary place causes death, the action will be considered murder.

ART. 329. - Those who have exposed or caused to be exposed, abandoned or caused to be abandoned in a non-solitary place a child or an incapable person incapable of protecting themselves due to their physical or mental state will, for this fact, be condemned to imprisonment of three months to one year and a fine of 5,000 to 60,000 UM.

If the guilty parties are the persons mentioned in article 327, the penalty will be six months to two years of imprisonment and a fine of 10,000 to 100,000 UM.

ART. 330. - If an illness or total incapacity of more than twenty days resulted from exposure or neglect, or an infirmity provided for by article 285, paragraph 3, the guilty parties will suffer imprisonment of one to five years and a fine of 5,000 to 100,000 UM.

If the death was caused without the intention of causing it, the penalty will be that of the Diya.

If the culprits are the persons mentioned in article 327, the penalty will be, in the first case, that of imprisonment, and, in the second, that of forced labor on time.

ART. 331. - Will be punished by ten days to six months of imprisonment and a fine of 5,000 to 100,000 ouguiya:

1. Anyone who, in the spirit of profit, provokes the parents or one of them to abandon their born or unborn child;
2. Any person who has caused or attempted to have the future parents or one of them sign an act under the terms of which they undertake to abandon the unborn child, who has held such an act, will have used it or attempted to use it; 3. Anyone who, in the spirit of profit, has provided or attempted to provide his or her intermediary to make take in or adopt a child.

## *§2. Kidnapping of minors.*

ART. 332. - Anyone who, by fraud or violence, has kidnapped or caused minors to be kidnapped or has led, diverted or moved them, or has caused them to be dragged away or moved from places where they were placed by those under whose authority or direction they were submitted or entrusted, will suffer the penalty of reclusion.

ART. 333. - If the minor thus kidnapped or diverted is under fifteen years of age, the penalty will be forced labor for life.

The same penalty will be applied, regardless of the age of the minor, if the culprit was paid or had the aim of having a ransom paid by the persons under whose authority or supervision the minor was placed.

However, in the cases provided for in the two preceding paragraphs, the penalty will be that of forced labor in time, if the minor is found before the judgment of conviction has been rendered.

Kidnapping will carry the death penalty if it was followed by the death of the minor.

ART. 334. - Anyone who, without fraud or violence, kidnaps or embezzles or attempts to kidnap or embezzle a minor under 18 years of age will be punished by imprisonment of two to five years and a fine of 5,000 to 20,000 UM.

In all cases where the kidnapper has married the girl he has kidnapped, he can only be prosecuted on the complaint of persons who, according to the law, have the right to request the nullity of the marriage, nor condemned unless 'after the nullity of the marriage has been declared.

ART. 335. - When it has been decided on the custody of a minor by a court decision, provisional or definitive, the father, the mother or any other person who will not represent this minor to those who have the right to claim it or who, even without fraud or violence, will remove it or cause it to be removed or diverted from the hands of those to whom its custody has been entrusted or the latter will have placed it, will be punished by imprisonment of one month to one year, and a fine of 5,000 to 100,000 UM. If the culprit has been declared deprived of paternal authority, the imprisonment may be up to three years.

*§3. Family abandonment.*

ART. 336. - Will be found guilty of abandoning family and punished by imprisonment of three months to one year, and a fine of 5,000 to 100,000 UM:

1. the husband who, during the duration of the marriage, neglects, for more than two months, provide for the needs of his wife;
2. the husband who, after the dissolution of the marriage, neglects to provide for the needs of his pregnant wife for more than two months if the pregnancy began before the final dissolution of the marriage;
3. the father who has neglected for more than two months to provide for the needs of his children under 18 months of age and who are legally dependent on him;
4. any person who has been ordered to pay alimony to their spouse, their descendants, their father or mother by a judicial decision provisionally enforceable or which has become final has neglected, for more than two months, to pay the entire amount of this pension.

ART. 337. - The guilty party may, in addition to the penalties laid down by article 336, be subject to the prohibition of the rights mentioned in article 36 of this code for a period of five to ten years.

*§4. Violation of burial laws.*

ART. 338. - Those who, without prior authorization from the public officer in the case where it is prescribed, have buried a deceased individual will be punished by six days to two months of imprisonment, and a fine of 5,000 to 20,000 UM without prejudice to the prosecution of crimes of which the perpetrators of this offense could be warned in this circumstance. The same penalty will apply to those who contravene, in any way whatsoever, the law and regulations relating to the aforementioned burials.

ART. 339. - Anyone who conceals or hides the corpse of a person murdered or dead as a result of assault or injury will be punished by imprisonment of six months to two years, and a fine of 5,000 to 20,000 UM, without prejudice to more serious penalties if he participated in the crime.

ART. 340. - Will be punished with imprisonment of three months to one year, and a fine of 5,000 to 30,000 UM, anyone who is guilty of violating tombs or graves, without prejudice to the penalties for crimes or offenses which would be attached to it.

The same penalties will be applicable to anyone who has desecrated or mutilated a corpse, even if not buried, without prejudice to the penalties for crimes set out in the fourth paragraph of article 278 of this code.

## CHAPTER II

### ***SECTION: Alcoholism, slander, false testimony and revelation of professional secrecy***

#### *§1. Alcoholism, slander, false testimony.*

ART. 341. - Any adult Muslim who willfully and consciously consumes alcohol will be punished by flogging with eighty lashes.

Proof of this offense can only be provided by one of the following means:

1. The freely consented confession of the guilty party; 2. The declaration of two honest witnesses who noted either the consumption or the state of public intoxication of the culprit caused by this consumption; 3. Vomiting or the smell of alcohol consumed in a tangible and unequivocal manner observed or noted on the culprit.

Public action is not prescribed in matters of alcoholism, even if the culprit calls for repentance.

In all cases, there will be no cumulative penalty even if the offense was committed several times before the sentence was carried out.

If there are strong presumptions but not corroborated by one of the methods of proof listed in the three paragraphs of this article, the guilty party may be sentenced to a prison sentence of three months to one year.

The same penalty will be imposed on anyone who willfully serves or facilitates, or invites, a Muslim to consume alcoholic beverages.

Will be punished by a flogging of eighty lashes and prohibited from testifying until his judicial rehabilitation, any adult and sane person who has, either in intelligible writing, or by audible or metaphorical word admitted, accused a Muslim to be guilty of the crime of adultery, homosexuality or being an illegitimate child.

Proof of this offense can only be provided by: either the free confession of the guilty party, or the statements of two honest witnesses or a witness reinforced by an oath from the accuser. The sentence is erased by the forgiveness of the victim or the confirmation of the accusation. In the event of a concurrent offense where one of them is punishable by the death penalty, only the death penalty will be imposed, unless the other offense is slander. In the latter case, there will be cumulative penalties.

In the event of accumulation, one of which is the death penalty, only the latter will be applied, except in the case of slander. In the latter case, the punishment of flogging will be carried out before being put to death. If there is a concurrent sentence for slander and a sentence for alcohol consumption, only one sentence will be carried out.

However, if the guilty party was sentenced to a harsher punishment than imprisonment, the false witness who testified against him will suffer the same punishment.

ART. 342. - Anyone who is guilty of false testimony in criminal matters, either against the accused or in his favor, will be punished by imprisonment of at least two years and not more than five years and by a fine of 5,000 to 100,000 UM .

If, however, the accused has been sentenced to more than five years of imprisonment, the false witness who testified against him will suffer the same sentence.

Anyone guilty of giving false testimony in police matters, either against the accused or in his favor, will be punished by imprisonment of at least one year and not more than three years and a fine of 5,000 to 20,000 UM.

In these two cases, the guilty parties may, in addition, be deprived of the rights mentioned in article 36 of this code, for at least five years and ten years at most, from the day on which they have served their sentence and be prohibited from stay for the same number of years.

ART. 343. - The person guilty of false testimony, in civil matters or before administrative courts, will be punished by imprisonment of two to five years and a fine of 5,000 to 150,000 UM. It may also be the accessory penalties mentioned in the previous article.

ART. 344. - A false witness in criminal matters who has received money, any reward or promises will be punished with forced labor on time without prejudice to the application of the second paragraph of article 341.

A false witness in criminal or civil matters who has received money, any reward or promises will be punished with imprisonment.

A false witness in police matters who has received money, any reward, or promises will be punished by imprisonment of two to five years, and a fine of 10,000 UM to 150,000 UM.

He may also suffer accessory penalties mentioned in article 342. In all cases, what the false witness receives will be confiscated.

ART. 345. - Anyone, either during a procedure and in any event, or in any matter with a view to a request or defense in court, will have used promises, offers or gifts, pressure, threats , assault, maneuvers or artifices to induce others to make or deliver a deposition, a declaration or a false certificate, will be, whether or not this subornation has produced its effect, punishable by imprisonment of one to three years and a fine of 10,000 to 200,000 UM, or one of these two penalties only, without prejudice to the stronger penalties provided for in the preceding articles, if he is complicit in false testimony qualified as a crime or misdemeanor.

ART. 346. - Anyone to whom the oath has been taken or referred in civil matters, and who has made a false oath, will be punished by imprisonment of at least one year and not more than five years and by a fine of 5,000 to 100,000 UM.

He may, in addition, be deprived of the rights mentioned in article 36 of this code, for at least five years and ten at most from the day on which he has served his sentence, and be prohibited from staying for the same number of years. 'years.



ART. 347. - The interpreter who, in criminal, correctional or civil matters, will have in bad faith distorted the substance of words or documents orally translated, will be punished with the penalties of false testimony according to the provisions contained in articles 314, 342, 343 and 344.

Interpreter tampering will be punished like witness tampering according to the provisions of article 345.

*§2. Slander, insults, revelation of secrets.*

ART. 348. - Anyone who, by any means whatsoever, makes a slanderous denunciation, against one or more individuals, to officers of justice or administrative or judicial police, or to any authority having the power to follow up or seize the competent authority, or even to the hierarchical superiors or employers of the denounced, will be punished by imprisonment of six months to five years and a fine of 10,000 to 200,000 UM.

The court may, in addition, order the insertion of the judgment, in full or in extracts, in one or more newspapers and at the expense of the convicted person.

If the denounced fact is liable to criminal or disciplinary sanction, proceedings may be initiated under this article either after order or judgment of dismissal of the case, or after filing of the denunciation by the magistrate, civil servant, higher authority or employer competent for give it the result it was likely to entail.

The court seized under this article will be required to stay its ruling if proceedings concerning the fact reported are pending.

ART. 349. - Any other insults or outrageous expressions which do not have this dual character of seriousness and publicity will only give rise to simple police penalties.

ART. 350. - Doctors, surgeons and other health officers, as well as pharmacists, midwives and all persons custodians, by status or profession, by temporary or permanent functions, of the secrets entrusted to them and which, outside the case where the law obliges or authorizes them to act as informers, will have revealed secrets, will be punished by imprisonment of one month to six months and a fine of 5,000 to 60,000 UM.

ART. 351. - Anyone who has fraudulently removed something that does not belong to him is guilty of theft and will be sentenced to amputation of his hand if all the following conditions are met:

1. If the thief is of sound mind and of legal age;
2. If the subtraction is fraudulent;
3. If the thing removed is susceptible of appropriation;
4. If the culprit has no right to any legitimate claim against the victim of the theft;
5. If the value of the thing subtracted is equal to or greater than a quarter of a dinar in gold;
6. If the theft does not have as its immediate motive a de facto necessity;
7. If the subtraction was carried out in a usual place of guarding or conservation of the thing subtracted;
8. If the culprit is not authorized to enter the place where the theft took place;

9. If the culprit is not an ascendant of the victim of the subtraction; 10. If the subtracted thing has left the place of its subtraction; 11. If there is no marital relationship between the author and the victim of the subtraction and the thing subtracted cannot give rise to a theft between the two.

In all cases, the amputation of the right hand of the culprit is only pronounced when all the conditions listed above have been met.

If the culprit is a first-time repeat offender, his left foot will be amputated. If he is a three-time offender, his left hand will be amputated. If he is a repeat offender for the fourth time, his right foot will be amputated. If he is a repeat offender for the fifth time, he will be flogged and imprisoned.

Evidence of the crime of theft can only be reported by the following methods:

1. The free, voluntary and conscious confession of the guilty person and that he has not retracted his confession plausibly; 2. The statement of two male witnesses of good character.

In all cases, the testimony of a single person, even under an oath, or that of a man and two women, can only be taken into consideration for conviction, restitution or reimbursement of the value of the stolen item.

ART. 352. - Can only give rise to civil reparations, the subtractions committed by the persons listed below:

1. Husbands to the detriment of their wives, wives to the detriment of their husbands, when the thing taken away was never forbidden to them; 2. By fathers or mothers to the detriment of their children.

ART. 353. - Any individual carrying a hidden or visible weapon, who enters a residential area at night, or on the roads whatever the weather, with the intention of taking force the property of others.

ART. 354. - Shall be punished with the death penalty, amputation of the right hand and left foot, banishment, or one of these three penalties only:

1. The person guilty of the crime of banditry provided for in article 353; 2. The bandit's accomplices or co-perpetrators.

ART. 355. - Whoever commits theft on public roads or places, or in vehicles used for the transport of travelers, correspondence or baggage will be punished with the penalty of forced labor if the conditions provided for are in article 351. , or in article 353 are not met.

ART. 356. - Will be punished with a prison sentence of 5 to 10 years anyone who attempts to commit theft, with break-in, climbing or use of false keys in buildings, parks or enclosures not used as a home.

ART. 357. - Any individual guilty of theft will be punished with imprisonment if the conditions defined in article 351 of this code are not met:

1. If the theft was committed at night in front of two or more people or if it was committed under one of these two circumstances only, but, at the same time, in a place inhabited or used as a dwelling; 2. If the thief is a servant or a hired servant, even when he has committed the theft against persons whom he did not serve but who were either in his master's house or in that where he accompanied him, or if he is a worker, journeyman or apprentice usually working in the home where he stole;
3. If the theft was committed by an innkeeper, a hotelier, a transporter or one of their employees, when they have stolen all or part of the things entrusted to them in this capacity; 4. If the theft was committed, even in peacetime, by a soldier or similar, to the detriment of the inhabitant with whom he is lodged or quartered.

ART. 358. - Carriers or their employees who have altered and attempted to alter any kind of liquids or goods whose transport had been entrusted to them, and who have committed or attempted to commit this alteration by mixing harmful substances, will be punished with imprisonment of two years to five years and a fine of 5,000 to 60,000 UM.

They may, in addition, be deprived of the rights mentioned in article 36 of this code for at least five years and ten years at most; they may also be, by order or judgment, prohibited from staying for the same number of years.

If there has been no mixture of harmful substances, the penalty will be imprisonment of one month to one year and a fine of 5,000 to 20,000 UM.

ART. 359. - Anyone who steals or attempts to steal animals will be punished by imprisonment of one year to five years and a fine of 5,000 to 60,000 ouguiya, if he is not liable to the penalty provided for in Article 351.

The same will apply to anyone who steals or attempts to steal agricultural equipment or instruments in fields that are not fenced or any other place outside the usual custody of these instruments.

The same penalty will also be applied to anyone who steals from the fields, crops or other useful products of the earth, not detached from their plants, or detached but not yet gathered or piled up.

Will be punished with the same penalty anyone who snatches by the effect of surprise, pickpocket, by usurpation of a thing in the possession of a child who cannot yet discern or who flees after having been seized the first time or caught red-handed.

Anyone who steals wood from their place of exploitation, or stones from quarries if customs do not consider these places as places of guarding will be sentenced to a sentence of fifteen days to two years of imprisonment. The same goes for the culprit of stealing fish, outside ponds, fishponds or reservoirs.

In all cases, the victim will be reimbursed for their stolen property or their equivalent, with the exception of the debtor who is insolvent between the facts and the day the amputation is carried out.

ART. 360. - Any individual who, to commit theft, removes or attempts to remove boundary markers serving as a separation to properties, will be punished by imprisonment of two to five years and a fine of 5,000 to 50,000 ouguiya.

The guilty party may, in addition, be deprived of the rights mentioned in article 36 for at least five years and at most ten years, from the day on which he has served his sentence and be, by the ruling or judgment, prohibited from of stay for the same number of years.

ART. 361. - Any building, dwelling, lodge, cabin, even mobile tent which, without being currently inhabited, is intended for habitation and everything that depends on it, such as courtyard, farmyard, barn, stable is deemed to be an inhabited house. , buildings which are enclosed therein, whatever their use and even if they have a particular enclosure in the general enclosure or enclosure.

ART. 362. - Any land surrounded by ditches, stakes, racks, planks, live or dry hedges or walls of any kind of material whatsoever, whatever the height, depth, width, is deemed to be a park or enclosure. obsolescence, the degradation of these various fences, when there is no lockable door or otherwise or when the door is open and usually open.

ART. 363. - Mobile pens intended to contain livestock in the countryside, of whatever material they are made, are also deemed to be enclosed and, when they are attached to mobile cabins or other shelters intended for keepers, they are deemed to be dependent on a house inhabited.

ART. 364. - Any forcing, breaking, tearing, degradation, demolition, removal of walls, roofs, boards, doors, windows, locks, padlocks or other utensils or instruments used to close or prevent passage and any type of fence is defined as break-in , whoever she is.

ART. 365. - Break-ins are exterior or interior.

ART. 366. - External break-ins are those with the help of which one can enter houses, courtyards, farmyards, enclosures or outbuildings, or into apartments or private dwellings.

ART. 367. - Interior break-ins are those which, after entry into the places mentioned in the previous article, are made to doors or internal fences, as well as to cupboards or other furniture.

Included in the class of internal break-ins is the simple removal of crates, boxes, trunks, bundles under canvas and rope, and other closed furniture, which contain any effects, although the break-in was not carried out on the premises.

ART. 368. - Any entry into houses, buildings, courtyards, farmyards, any buildings, gardens, parks and enclosures, carried out over walls, doors, roofs or any other fence is qualified as climbing.

Entry through an underground opening other than that established to serve as an entrance is a circumstance of the same seriousness as climbing.

ART. 369. - All hooks, nightingales, master keys, imitated, counterfeit, altered keys or keys which were not intended by the owner, tenant, innkeeper or

landlord, to the locks, padlocks or any closures on which the culprit has used them.

ART. 370. - Anyone who counterfeits or alters keys will be sentenced to imprisonment of three months to two years and a fine of 5,000 to 30,000 ouguiya.

If the culprit is a professional locksmith, he will be punished with imprisonment of two years to five years and a fine of 10,000 to 60,000 UM.

He may, in addition, be deprived of all or part of the rights mentioned in article 36 for at least five years and at most ten years, from the day on which he has served his sentence; he may also be, by the ruling or judgment, prohibited from staying for the same number of years. All without prejudice to harsher penalties in the event of complicity in a crime.

ART. 371. - Anyone who has extorted by force, violence or constraint, the signature or delivery of a writing, an act, a title, any document containing or operating an obligation, provision or discharge, will be punished with the penalty of forced labor on time.

Anyone, by means of a written or verbal threat of revelation or defamatory imputation, has extorted or attempted to extort, either the delivery of funds or securities, or the signature or delivery of the writings listed above, and is thus guilty of blackmail, will be punished by imprisonment of one year to five years and a fine of 10,000 to 400,000 UM. The guilty party may also be deprived of all or part of the rights mentioned in article 36, for at least five years and at most ten years, from the date of the final conviction.

The seized person who destroys, diverts or attempts to destroy or divert objects seized from him and entrusted to his custody will be punished by the penalties set out in article 377.

He will be punished with the penalties set out in article 372, if custody of the objects seized and which he destroyed or diverted or attempted to destroy or divert had been entrusted to a third party.

The penalties of article 372 will also be applicable to any debtor, borrower or third party pledger, who destroys, misappropriates or attempts to misappropriate objects given by him as pledges.

The person who knowingly conceals the misappropriated objects, the spouse, ascendants and descendants of the garnishee, the debtor, the borrower or third party pledger who will have helped him in the destruction, the misappropriation or in the attempted destruction or misappropriation of these objects, will be punished with a penalty equal to that which he will have incurred.

ART. 372. - Other thefts not specified in this section, theft and fraud, as well as attempts at these same offenses will be punished by imprisonment of at least one year and not more than five years, and may even be punished by a fine which will be from 10,000 to 400,000 UM.

The guilty parties may still be prohibited from the rights mentioned in article 36 of this code, for at least five years and at most ten years, from the day on which they have suffered their sentence. They may also be, by decision or judgment, prohibited from staying for the same number of years.

Anyone, knowing that they are absolutely unable to pay, will have been served drinks or food that they have consumed in whole or in part in establishments intended for this purpose, even if they

is housed in said establishments, will be punished by imprisonment of at least ten days and not more than six months, and by a fine of at least 5,000 and not more than 30,000 ouguiya.

The penalty will be applicable to anyone who, knowing that he is absolutely unable to pay, has been allocated one or more rooms in a hotel, inn or stopover lodge and has actually occupied them.

However, in the cases provided for by the two preceding paragraphs of this article, the occupation of the accommodation must not have exceeded a duration of ten days in a hotel; as established by local customs.

Any soldier or equivalent who, without being accountable, misappropriates or dissipates funds or assets in lieu thereof, or documents, titles, deeds, movable effects or weapons, ammunition is punishable by the penalty provided for in the first paragraph of this article. , materials, foodstuffs or any objects belonging to soldiers or which had been given to them for service.

## ***SECTION II: Bankruptcy, fraud, and other types of fraud***

### *§1. Bankruptcies and scams.*

ART. 373. - Those who, in the cases provided for by the Commercial Code, are declared guilty of bankruptcy, will be punished as follows: simple bankrupts will be punished by imprisonment of at least one month and two years at least. more; fraudulent bankrupts will be punished with imprisonment of one year to five years. In addition, the prohibition of the rights mentioned in article 36 of this code may be pronounced against the fraudulent bankrupt.

ART. 374. - Those who, in accordance with the Commercial Code, are declared accomplices in simple or fraudulent bankruptcy, will incur the penalties provided for in the preceding article, even if they do not have the status of merchants.

ART. 375. - Stockbrokers and securities brokers who are found guilty of simple or fraudulent bankruptcy will be punished in all cases with the penalties of fraudulent bankruptcy.

ART. 376. - Whoever, either by using false names or false qualities, or by employing fraudulent maneuvers to persuade of the existence of false companies, of an imaginary power or credit, or to give rise to hope or the fear of success, an accident or any other chimerical event, will have had funds, furniture or obligations, provisions, notes, promises, receipts or discharges handed over or delivered and will have, by one of these means , defrauded or attempted to defraud all or part of the fortune of another, will be punished by imprisonment of at least one year and five years at most and a fine of 10,000 to 300,000 UM.

If the offense was committed by a person having appealed to the public with a view to the issue of shares, bonds, warrants, shares or securities of any kind either of a company or of a commercial or industrial enterprise, imprisonment may be extended to ten years and the fine to 1 million UM.

In all cases, the guilty parties may also be subject to a maximum ten-year ban on the rights mentioned in article 36 of this code; they may also be subject to a residence ban for the same number of years.

*§2. Breach of trust.*

ART. 377. - Anyone who abuses the needs, weaknesses or passions of a minor to make him subscribe, to his detriment, to obligations, receipts or discharges, for the loan of money or movable things or commercial instruments or of all other obligatory effects, in whatever form this negotiation has been made or disguised, will be punished by imprisonment of at least two months and two years at most, and by a fine of 10,000 to 300,000 UM.

The fine may, however, be increased to a quarter of the restitutions and damages, if it is greater than the maximum provided for in the preceding paragraph.

The provision set out in the third paragraph of the previous article may also be applied.

ART. 378. - Anyone, abusing a blank document entrusted to him, will have fraudulently written above an obligation or discharge or any other act capable of compromising the person or fortune of the signatory, will be punished with the penalties imposed on him. article 376. In the event that the blank document has not been entrusted to him, he will be prosecuted as a forger and punished as such.

ART. 379. - Anyone who has misappropriated or dissipated, to the detriment of the owners, possessors or holders of the effects, goods or objects of any kind, notes, receipts or any other writing containing or operating an obligation or discharge, which would have been given to him only as rental, deposit, mandate, pledge, loan for use or for salaried or non-salaried work, on the responsibility of returning them or representing them or making use of them or a specific employment, will be punished by imprisonment from at least six months to four years at most, and a fine of 5,000 to 600,000 ouguiya.

The fraudulent nature of the misappropriation or dissipation results from the sole fact that its author, given formal notice to return or represent the effects, money, goods or objects of any kind, notes, receipts or any other writings containing or operating obligation or discharge or make use of it or the specific use cannot be carried out.

There is no offense if the non-performance of the commitment is caused by force majeure, the act of the deliverer or a third party, or the involuntary act of the author. The latter can establish the supporting fact by any means.

If the breach of trust was committed by a person appealing to the public in order to obtain, either on his own behalf, or as director, administrator or agent of a company or a commercial or industrial enterprise, the remittance of funds or securities as a deposit, mandate or pledge, the duration of the imprisonment may be increased to ten years and the fine to 1 million UM.

If the breach of trust provided for and punished by the preceding paragraph was committed by a servant, hired servant, student, clerk, clerk, worker, journeyman or apprentice, to the detriment of his master, the duration of the imprisonment could be increased to ten years and the fine to 1 million UM.

In all cases, the guilty parties may also be subject to a maximum ten-year ban on the rights mentioned in Article 36 of the Penal Code; they may be subject to a residence ban for the same number of years.

ART. 380. - Whoever, after having produced, in a legal challenge, any title, document or memory, has removed it, in any way whatsoever, will be punished with a fine of 5,000 to 20,000 ouguiya. This sentence will be pronounced by the court hearing the dispute.

*§3. Violations of regulations on gambling houses, lotteries and pawn shops.*

ART. 381. - Those who have run a gaming house and have admitted the public there, either freely or on the presentation of those interested or affiliated, the bankers of this house, all those who have established or held lotteries not authorized by the law, all administrators, employees or agents of these establishments, will be punished by imprisonment of at least two months and two years at most and by a fine of 5,000 to 300,000 UM.

The guilty parties may also be, from the day on which they have served their sentence, prohibited for at least five years and ten years at most, from the rights mentioned in article 36 of this code.

In all cases, all funds or effects which are found exposed to gambling or entered into a lottery, furniture, instruments, utensils, appliances used or intended for the service of games or lotteries, furniture and movable effects including places will be garnished or decorated.

ART. 382. - Those who have established or maintained pawnbrokers or collateral without legal authorization or who, having authorization, have not kept a register in accordance with the regulations, containing subsequently, without any blank or spacing, the sums or the objects lent, the names, domicile and profession of the borrowers, the nature, quality, value of the objects pledged, will be punished by imprisonment of at least fifteen days and three months at most, and fine of 5,000 to 50,000 UM.

*§4. Obstacles to the freedom of auctions.*

ART. 383. - Those who, in the adjudication of ownership, usufruct or rental of movable or immovable things of a company, a supply, an exploitation or a service of any kind, have hindered or disturbed, or attempted to disturb or obstruct the freedom of auctions or submissions, by assault, violence or threats, either before or during the auctions or submissions, will be punished by imprisonment of at least fifteen days and three months at most, and a fine of 10,000 to 1 million UM.

The same penalty will be pronounced against those who, by donations or promises or fraudulent agreements, have excluded or attempted to exclude bidders, limited or attempted to limit auctions or submissions, as well as against those who have received these donations or accepted these promises .



All those who, after a public auction, proceed or participate in a re-auction without the assistance of a competent ministerial officer will be punished with the same penalty.

*§5. Violation of regulations relating to manufactures, commerce and the arts.*

ART. 384. - Any violation of the regulatory provisions relating to the products of Mauritanian manufactures which will be exported abroad and which aim to guarantee good quality, dimensions and nature of manufacturing, will be punished by a fine of 10,000 to 150,000 UM and confiscation of the goods. These two sentences may be imposed cumulatively or separately, depending on the circumstances.

ART. 385. - Whoever, using violence, assault, threats or fraudulent maneuvers will have brought or maintained, attempted to bring about or maintain a concerted cessation of work, with the aim of forcing an increase or decrease in wages or of undermining the free exercise of industry or work.

ART. 386. - When the acts punished by the preceding article have been committed as a result of a concerted plan, the culprits may be, by order or judgment, prohibited from staying for at least two years and at most five years. .

ART. 387. - Whoever, with the aim of harming Mauritanian industry, has transported to a foreign country directors, clerks or workers of an establishment, will be punished by imprisonment of ten months to two years, and a fine of 5,000 to 30,000 UM.

ART. 388. - Any director, clerk, factory worker who communicates or attempts to communicate to foreigners or Mauritians residing in a foreign country the secrets of the factory where he is employed, will be punished by imprisonment of two years to five years, and a fine of 10,000 to 500,000 UM.

He may, in addition, be deprived of the rights mentioned in article 36 of this code for at least five years and at most ten years, from the day on which he has served his sentence. He may also be banned from residence for the same number of years.

If these secrets were communicated to Mauritians residing in Mauritania, the penalty will be imprisonment of three months to two years and a fine of 5,000 to 20,000 UM.

The maximum penalty imposed by paragraphs 1 and 3 of this article will necessarily be applied if the secrets of weapons and war munitions factories belonging to the State are involved.

ART. 389. –

1. Who, by false or slanderous facts knowingly sown in the public, by offers thrown on the market with the intention of disturbing prices by over-offers made at the prices asked by the sellers themselves, by ways or means fraudulent of any kind; 2. Or who, by exercising or attempting to exercise, either individually, or by meeting or coalition, an action on the market with the aim of obtaining a gain which would not be the result of the natural interplay of supply and the request, will have, directly or through an intermediary, operated or

attempted to artificially increase or decrease the price of foodstuffs or merchandise or public or private effects, will be punished by imprisonment of two months to two years, and a fine of 20,000 to 2,000,000 UM.

The court may, moreover, pronounce upon the guilty parties the sentence of ban on residence, for at least two years and at most five years.

ART. 390. - The penalty will be imprisonment of one year to three years and a fine of 40,000 to 4 million ouguiya, if the increase or decrease has been made or attempted on grains, flour, farinaceous substances, foodstuffs, commercial beverages, fuels or fertilizers.

The imprisonment may be increased to five years and the fine to 5 million ouguiya if it concerns foodstuffs or goods which do not fall within the habitual exercise of the profession of the offender.

In the case provided for in this article, the ban on residence that may be imposed will be for a minimum of five years and a maximum of ten years.

ART. 391. - In all cases provided for by articles 389 and 390, the court may pronounce against the guilty the prohibition of civil or political rights.

In addition, and notwithstanding the application of article 437, he will order that the judgment of conviction be published in full or in extracts in the newspapers he will designate and posted in the places he will indicate, in particular at the doors of the home, stores, factories or workshops of the convicted person, all at the expense of the convicted person, within the limits of the maximum fine incurred.

The court will determine the dimensions of the poster, the typographical characters which must be used for its printing and the time during which this display must be maintained.

In the event of total or partial removal, concealment or laceration of the posters ordered by the judgment of conviction, the provisions of the judgment relating to the display will be carried out again in full.

When the removal, concealment or total or partial laceration has been carried out voluntarily by the convicted person, at his instigation or by his orders, they will result in the application of a prison sentence of one to six months against him and a fine of 5,000 to 50,000 UM.

ART. 392. - Will be punished by a fine of 10,000 to 200,000 UM and imprisonment of three months to three years or by one of these two penalties only:

1. Those who have counterfeited a trademark or those who have fraudulently affixed a trademark belonging to another; 2.

Those who have held without legitimate reason products that they know bear a counterfeit or fraudulently affixed brand or those who have knowingly sold, offered for sale, supplied or offered to provide products or services under such a brand; 3. Those who have knowingly delivered a product or provided a service other than that requested from them under a registered trademark.

ART. 393. - Will be punished by a fine of 5,000 to 100,000 UM and imprisonment of one month to one year or by one of these two penalties only:

1. Those who, without counterfeiting a registered trademark, have made a fraudulent imitation of it likely to deceive the buyer or have used a fraudulently imitated trademark;
2. Those who knowingly make any use of a registered trademark bearing indications likely to deceive the buyer as to the nature, substantial qualities, composition or content of useful principles, species or origin of the designated object;
3. Those who have held without legitimate reason products that they know bear a fraudulently imitated brand, or those who have knowingly sold, offered for sale, provided or offered to provide products or services under such a brand.

ART. 394. - Will be punished by a fine of 5,000 to 100,000 UM and imprisonment of fifteen days to six months or by one of these two penalties only:

1. Those who have not affixed a mark declared obligatory to their products;
2. Those who have sold or put on sale one or more products not bearing the brand declared obligatory for this type of product;
3. Those who contravene the provisions of the decrees declaring a compulsory mark;
4. Those who have included in their trademarks signs the use of which is prohibited by the legislation.

ART. 395. - The penalties laid down in articles 392, 393 and 394 may be doubled in the event of a repeat offense.

ART. 396. - Delinquents may, in addition, be deprived of the right to participate in elections to the Chambers of Commerce and Agriculture and Industry for a time which will not exceed ten years. The court may order in all cases that the judgment of conviction be published in full or in extracts in all the newspapers it designates or posted in accordance with the provisions of article 44, first paragraph.

ART. 397. - The confiscation of products whose brand would constitute an offense under the terms of articles 392 and 393 may be ordered by the court as well as that of the instruments and utensils used to commit it. In the event of acquittal, the court may order the continued seizure of the products and objects referred to in the preceding paragraph.

The court may also order that the confiscated products be returned to the owner of the counterfeited or fraudulently affixed or imitated brand, without prejudice to any damages if applicable.

He may also order the destruction of the marks constituting this offense.

ART. 398. - In the cases provided for by the first paragraph of article 394, the court will always prescribe that the marks declared obligatory be affixed to the products which are subject to them.

ART. 399. - The penalties provided for in Articles 392, 393, 394 are applicable to collective trademarks or service marks. In addition, the penalties provided for in the said articles will be punished:

1. Those who have knowingly made any use of a collective mark under conditions other than those prescribed in the rules of use accompanying the filing provided for by the regulations on trademarks, trade or service marks;
2. Those who have knowingly sold or offered for sale one or more products bearing a collective mark irregularly used with regard to the regulation of trademarks, trade or service marks;
3. Those who, within ten years from the date of cancellation of a collective mark, will have knowingly sold, offered for sale, supplied or offered to supply products or services under a mark reproducing or imitating said collective mark;
4. Those who knowingly have made any use, within ten years from the date of cancellation of a collective mark, of a mark reproducing or imitating a collective mark.

ART. 400. - If the seller and the buyer have used in their markets other weights or other measures than those which have been established by the laws of the State, the buyer will be deprived of any action against the seller who will have deceived him by the use of prohibited weights or measures, without prejudice to public action for the punishment, both of this fraud and of the very use of prohibited weights and measures.

The penalty, in the event of fraud, will be that carried by article 392.

The penalty, for the use of prohibited measures and weights, will be determined by Book IV of this code, regulating simple police penalties.

ART. 401. - Any edition of writings, musical composition, drawing, painting or any other production, printed or engraved in whole or in part, in disregard of the laws and regulations relating to the property of the authors, is an infringement; and any counterfeiting is a crime.

Counterfeiting, on Mauritanian territory, of works published in Mauritania or abroad is punishable by a fine of 5,000 to 200,000 UM.

The offense, export and import of counterfeit works will be punished with the same penalties.

ART. 402. - Any reproduction, representation or distribution, by any means whatsoever, of an intellectual work in violation of the author's rights, as defined and regulated by the law.

ART. 403. - The penalty will be three months to two years of imprisonment and a fine of 10,000 to 200,000 UM if it is established that the culprit has habitually engaged in the acts referred to in the two preceding articles.

In the event of a repeat offense, after conviction under the preceding paragraph, the temporary or permanent closure of establishments operated by the habitual infringer or by his accomplices may be pronounced.

When this closure measure has been pronounced, staff must receive compensation equal to their salary, increased by all benefits in kind, for the duration of the closure and at most for six months.

If collective or specific agreements provide for higher compensation after dismissal, this will be due.

Any violation of the provisions of the two preceding paragraphs will be punished by imprisonment of one month to six months and a fine of 5,000 to 30,000 UM. In the event of a repeat offense, the penalties will be doubled.

ART. 404. - In all cases provided for by articles 401, 402 and 403, the guilty parties will, in addition, be sentenced to the confiscation of sums equal to the amount of the shares of revenue produced by the illicit reproduction, representation or distribution as well as 'the confiscation of any equipment specially installed for illicit reproduction and of all counterfeit copies and objects.

The court may order, at the request of the civil party, the publication of the conviction judgments, in full or in extracts, in the newspapers it will designate and the posting of said judgments in the places it will indicate, in particular at the doors of the court. home, all establishments, performance halls of the condemned, all at their expense, without however the costs of this publication being able to exceed the maximum of the fine incurred.

When the display is ordered, the court will determine the dimensions of the poster and the typographical characters which must be used for its printing. The court must set the time during which this display must be maintained, without the duration exceeding fifteen days.

The removal, concealment or total or partial laceration of posters will be punishable by a fine of 5,000 to 30,000 UM. In the event of a repeat offense, the fine will be increased from 10,000 to 100,000 UM and imprisonment of ten days to one month may be imposed.

When the total or partial removal, concealment or laceration of the posters has been carried out voluntarily by the convicted person, at his instigation or on his orders, the full execution of the provisions of the judgment relating to the display will be carried out again, at the expense of the convicted person.

ART. 405. - In the cases provided for by articles 401, 402, 403 and 404, the counterfeit material or copies, as well as the receipts or shares of receipts giving rise to confiscation, will be returned to the author or his beneficiaries to compensate them for the damage they have suffered. The excess of their compensation or the entire compensation if there has been no confiscation of equipment, counterfeit objects or receipts, will be settled through ordinary channels.

#### *§6. Supplier offenses.*

ART. 406. - All individuals responsible, as members of a company or individually, for supplies, companies or management on behalf of the national army, who, without having been forced to do so by force majeure, will have caused the service for which they were to be missed. are charged, will be punished with the penalty of imprisonment and a fine which may not exceed a quarter of the damages, nor be less than 20,000 UM, all without prejudice to harsher penalties in the event of intelligence with the enemy.

ART. 407. - When the cessation of service comes from the agents of the suppliers, the agents will be sentenced to the penalties imposed by the previous article. Suppliers and agents will also be condemned when both have participated in the crime.

ART. 408. - If public officials or agents appointed or employed by the State have helped the culprits to cause the service to be missed, they will be punished with the penalty of forced labor on time, without prejudice to harsher penalties in the event of intelligence. with the enemy.

ART. 409. - Even though the service has not been lacking, if, through negligence, the deliveries and the work have been delayed, or if there has been fraud on the nature, quality or quantity of the labor work or things supplied, the culprits will be punished by imprisonment of at least six months and not more than five years, and by a fine which may not exceed a quarter of the damages, nor be less than 10,000 UM.

In the various cases provided for by the articles making up this paragraph, prosecution may only be carried out upon denunciation by the government.

### ***SECTION III - Destruction, damage, damage***

ART. 410. - Anyone who willfully sets fire to buildings, ships, boats, stores, construction sites, when they are inhabited or used for habitation, and generally to places inhabited or used for habitation, whether they belong or not belong. not to the perpetrator of the crime, will be punished by death.

Anyone who intentionally sets fire to cars or other vehicles containing people, or to cars or other vehicles not containing people but forming part of a convoy that does, will be punished with the same penalty.

Anyone who willfully sets fire to buildings, ships, boats, stores, construction sites, neither inhabited nor used as a home, or to forests, woods, coppices or standing crops when these objects do not belong to him, will be punished with penalty of forced labor for life.

Anyone who, by setting or causing to be set on fire one of the objects listed in the preceding paragraph and belonging to himself, willfully causes any harm to another, will be punished with forced labor in time; anyone who sets the fire on the owner's orders will be punished with the same penalty.

Anyone who willfully sets fire, either to straw or crops in piles or stacks, or to wood placed in piles or stacks, or to cars or other vehicles loaded or not loaded with goods, or other movable objects that do not not part of a convoy containing people, If these objects do not belong to him, will be punished with forced labor on time.

Anyone who, by setting fire or causing it to be set on fire to one of the objects listed in the preceding paragraph and belonging to himself, willfully causes any harm to others, will be punished by imprisonment; anyone who sets a fire on the owner's orders will be punished with the same penalty.

Anyone who causes fire to one of the objects listed in the preceding paragraphs, by voluntarily setting fire to any objects belonging either to him or to others, and placed in such a way as to cause said fire, will be punished with same penalty as if he had directly set fire to one of the said objects.

In all cases where a deliberately caused fire results in the death of one or more people who were in the fire at the time it broke out, the penalty will be death. If he has caused injuries or disabilities of the kind mentioned in the third paragraph of article 285, the penalty will be forced labor for life.

ART. 411. - The penalty will be the same, according to the distinctions made in the preceding article, against those who willfully destroy, in whole or in part, or attempt to destroy by the effect of a mine or any explosive substance the buildings, dwellings, dikes, roadways, ships, boats, trains, vehicles of all kinds, stores or construction sites or their outbuildings, bridges, railways, public or private roads and generally all movable objects, of whatever nature they may be.

The placement, with criminal intent, on a public or private road or railway, of an explosive device will be assimilated to attempted premeditated murder.

Persons guilty of the crimes mentioned in the preceding article will be exempt from punishment if, before the commission of these crimes and before any prosecution, they have given knowledge of them and revealed the perpetrators to the constituted authorities, or if, even after the prosecution has begun, they secured the arrest of the other culprits.

They may nevertheless be prohibited from staying.

ART. 412. - Threats of burning or destroying a home or any other property will be punished with the penalty imposed on threats of assassination, and according to the distinctions established by articles 281, 282 and 283.

ART. 413. - Whoever, voluntarily, destroys or overturns, by any means whatsoever, all or part of the buildings, bridges, dikes or roads or other constructions that he knows belong to others, or causes the explosion of a locomotive any, will be punished with imprisonment and a fine which may not exceed a quarter of the restitutions and compensation, nor be less than 5,000 UM.

If there has been homicide or injury, the culprit will be punished with the penalty of Ghissass or Diya.

ART. 414. - Anyone who, through assault, opposes the carrying out of work authorized by the government, will be punished by imprisonment of three months to two years, and by a fine which may not exceed a quarter of the damages. -interest nor be below 10,000 UM.

The perpetrators will suffer the maximum punishment.

ART. 415. - Anyone who willfully burns or destroys, in any way, registers, minutes or original acts of public authority, securities, notes, bills of exchange, commercial or bank instruments, containing or operating an obligation or provision or discharge.

Anyone who knowingly destroys, removes, conceals, conceals or alters a public or private document likely to facilitate the investigation of crimes and misdemeanors, the discovery of evidence or the

punishment of their author will be, without prejudice to the more serious penalties provided for by law, punished as follows: if the documents destroyed are acts of public authority or commercial or bank instruments, the penalty will be imprisonment ; if it concerns any other document, the culprit will be punished with imprisonment of two to five years and a fine of 10,000 to 60,000 UM.

ART. 416. - Any looting, any damage to foodstuffs or merchandise, effects, movable property, committed in meetings or in groups and by open force, will be punished with forced labor in time; each of the guilty parties will also be sentenced to a fine of 5,000 to 200,000 UM.

ART. 417. - Nevertheless, those who prove to have been led by provocations or solicitations to take part in violence, may only be punished with the penalty of imprisonment.

ART. 418. - If the looted or destroyed foodstuffs are grains, granules or flour, floury substances, bread or drinks, the penalty that the leaders, instigators or provocateurs will suffer only, will be the maximum of forced labor in time, and that of the fine imposed by article 416.

ART. 419. - Whoever, using a corrosive liquor or by any other means, willfully damages any goods, materials or instruments used for manufacturing, will be punished by imprisonment of one month to two years, a fine which may not exceed a quarter of the damages, nor be less than 5,000 UM.

If the offense was committed by a worker in the factory or by a clerk in the trading house, the imprisonment will be from two years to five years, without prejudice to the fine, as has just been said.

ART. 420. - Anyone who has devastated standing crops or plants, whether grown naturally or made by human hands, will be punished with imprisonment of at least two years and not more than five years. The guilty parties may also be, by the judgment, banned from residence for at least five years and ten years at most.

ART. 421. - Anyone who has cut down one or more trees that he knew belonged to others will be punished by imprisonment which will not be less than ten days nor more than six months, for each tree, without the totality may exceed five years.

ART. 422. - The penalties will be the same for each tree mutilated, cut or barked so as to cause it to perish.

ART. 423. - If there is destruction of one or more grafts, the imprisonment will be from ten days to two months, for each graft, without the totality exceeding two years.

ART. 424. - The minimum penalty will be twenty days in the cases provided for by articles 421 and 422, and ten days in the case provided for by article 423 if the trees were planted on squares, roads, paths, streets or public or local or cross roads.

ART. 425. - Anyone who cuts grain or fodder that he knows belongs to others will be punished with imprisonment which will not be less than ten days nor more than two months.

ART. 426. - The imprisonment will be at least twenty days and four months at most, if the grain has been cut green.



In the cases provided for by this article and the six preceding ones, if the act was committed in hatred of a public official and because of his functions, the culprit will be punished with the maximum penalty established by the article to which the case refers.

It will be the same, although this circumstance does not exist, if the act was committed during the night.

ART. 427. - Any breakage, any destruction of agricultural instruments, stockyards, keepers' cabins, will be punished by imprisonment of at least one month and one at most.

ART. 428. - Anyone who poisons camels, horses or other animals of carriage, mount or load, horned cattle, sheep, goats or fish in ponds, fishponds or reservoirs, will be punished with imprisonment of one year to five years and a fine of 10,000 to 60,000 UM. The guilty parties may be, by order or judgment, banned from residence for at least two years and at most five years.

ART. 429. - Those who, without necessity, publicly or not, have killed one of the animals mentioned in the preceding article or committed an act of cruelty towards them, will be punished as follows: if the offense was committed within buildings, enclosures and outbuildings or on land where the master of the killed animal was the owner, tenant or farmer, the penalty will be imprisonment of two months to six months; if it was committed in places where the culprit was the owner, tenant or farmer, the imprisonment will be ten days to one month; if it was committed in any other place, the imprisonment will be from fifteen days to two months.

The maximum penalty will always be imposed in the event of a fence violation.

Anyone who, without necessity, kills a domestic animal or commits an act of cruelty in a place where the person to whom the animal belongs is the owner, tenant or farmer, will be punished by imprisonment of at least ten days and not more than six months. .

If there has been a violation of the fence, the maximum penalty will be imposed.

ART. 430. - Anyone who has carried out scientific or experimental experiments or research on animals, without complying with the requirements which will be fixed by decree, will be punished with the penalties decreed by the first paragraph of article 429.

Any person who has voluntarily given birth to or who has voluntarily contributed to the spread of an epizootic in the animals listed in article 428, in dogs, cats, farmyard or aviary animals, bees, game and fish, will be punished by imprisonment of one year to five years and a fine of 5,000 to 300,000 UM. The attempt will be punished as the completed offense.

Any person who, by knowingly communicating a contagious disease to any animal, willfully causes or involuntarily contributes to the spread of an epizootic in one of the above-mentioned species will be punished by imprisonment of two months to one year and a fine of 5,000 to 100,000 UM.

ART. 431. - In all cases provided for by articles 420, 421, 423, 424, 425, 426, 427 and 429, a fine will be imposed which may not exceed a quarter of the restitutions and damages, nor be less of 5,000 UM.

ART. 432. - Anyone who has, in whole or in part, filled in ditches, destroyed fences, whatever material they are made of, cut or torn up live or dried hedges, anyone who has removed or moved boundary markers between different inheritances, will be punished by imprisonment which may not be less than one month nor exceed one year and by a fine equal to a quarter of the restitution and damages which, in no case, may be less than 10,000 UM.

ART. 433. - Owners or farmers or any other person enjoying mills, factories or ponds who, through the elevation of the spillway of their waters above the height determined by the competent authority, will have flooded the paths or properties of others.

If some damage has resulted from this, the penalty will be, in addition to the fine, imprisonment of ten days to one month.

ART. 434. - If the correctional police offenses referred to in this chapter were committed by forest guards or police officers, in whatever capacity, the prison sentence will be one month and one at most one third of the harshest penalty that would be applied to another guilty of the same offense.

#### ***SECTION IV: Reception***

ART. 435. - Those who knowingly receive, in whole or in part, things removed, misappropriated or obtained with the help of a crime or an offense will be punished with the penalties provided for in article 372.

The fine may be higher than 400,000 UM up to half the value of the objects concealed.

All without prejudice to harsher penalties, in the event of complicity in a crime, in accordance with articles 53, 54 and 55.

ART. 436. - In the case where an afflictive and infamous penalty is applicable to the fact which caused the things concealed, the receiver will be punished by the penalty attached by the law to the crime and to the circumstances of the crime of which he became aware at the time of the concealment. . However, the death penalty will be replaced, with regard to receivers, by that of forced labor for life. The fine provided for in the preceding article may still be imposed.

#### ***General provisions***

ART. 437. - The criminal penalties, pronounced by law against the accused or those found guilty, in whose favor the criminal court has declared the mitigating circumstances, will be modified as follows:

If the sentence imposed is death, the Court will apply the sentence of forced labor for life or forced labor for time.

If the penalty is forced labor for life, the Court will apply the penalty of forced labor for a period of time or imprisonment.

If the penalty is that of forced labor, the Court will apply the penalty of imprisonment or the provisions of article 372 without, however, being able to reduce the duration of the imprisonment below two years.

If the penalty is that of imprisonment or civic degradation, the Court will apply the provisions of article 372, without however being able to reduce the duration of the imprisonment below one year.

In the event that the code pronounces the maximum of an emotional sentence, if there are mitigating circumstances, the Court will apply the maximum of the sentence or even the lower sentence.

Unless otherwise expressly provided, in all cases where the penalty is that of imprisonment or a fine, if the circumstances appear attenuating, the criminal courts are authorized, even in the event of a repeat offense, to reduce the imprisonment even to the - less than ten days and the fine even 5,000 UM or a lesser sum.

They will also be able to pronounce one or the other of these penalties separately, and even substitute a fine for imprisonment without, in any case, being lower than simple police penalties.

In cases where the fine is substituted for imprisonment, if the penalty of imprisonment is the only one imposed by the article to which it is applied, the maximum of this fine will be 200,000 UM.

## BOOK IV: POLICE CONTRACTS AND PENALTIES

### CHAPTER ONE – *Penalties*

ART. 438. - The police penalties are:

- imprisonment, fine,
- and
- confiscation of certain seized items.

ART. 439. - Imprisonment, for police contravention, may not be less than one day, nor exceed ten days according to the classes, distinctions and cases specified below.

Days of imprisonment are full twenty-four hour days. The month of imprisonment is thirty days.

ART. 440. - Fines for contraventions may be imposed from 40 ouguiya up to 4,800 ouguiya inclusive, according to the distinctions and classes specified below.

ART. 441. - The physical constraint takes place for the payment of the fine. However, the convicted person cannot be detained for more than fifteen days for this purpose if he proves his insolvency.

ART. 442. - In the event of insufficient property, restitution and compensation due to the injured party are preferred to a fine.

ART. 443. - Restitutions, compensation and costs will result in physical restraint, and the condemned person will remain in prison until full payment; nevertheless, if these sentences are pronounced for the benefit of the State, the convicted persons will be able to benefit from the faculty granted by article 441, in the case of insolvency provided for by this article.

ART. 444. - The police courts may also, in cases determined by law, pronounce the confiscation, either of things seized in contravention, or of things produced by the contravention, or of materials or instruments which were used or were intended to commit it.

### CHAPTER II - Contraventions and penalties

ART. 445. - Article 437 of this code is applicable to all police infractions, except where the law provides otherwise.

ART. 446. - There is a repeat offense in matters of police contravention when a first judgment has been rendered against the offender, in the preceding twelve months, for a contravention committed within the jurisdiction of the same court. However, the recurrence of offenses punishable by a fine greater than 2,400 UM is independent of the place where the first offense was committed.

ART. 447. - In the event of a repeat offense, the following will be punished by imprisonment of one month to six months and a fine of 5,000 to 50,000 UM or by one of these two penalties only:

1°) Individuals and their accomplices who voluntarily inflict injury or strike, or commit any other violence or assault, which does not result in illness or incapacity for work, on the condition that there was no premeditation, ambush or carrying of weapons; 2°) Those who have insulted by words, gestures, threats, writings or drawings not made public, or by means of any objects with the same intention, any citizen in charge of a public service ministry, in the exercise or during the exercise of his functions.

#### *GENERAL PROVISIONS*

ART. 448. - The different classes of simple police infractions and the corresponding penalties will be fixed by decree.

ART. 449. - Matters whose regulation is not set out in this code are governed by the provisions of Muslim law.

The Arabic version of this code is authentic, refer to it in the event of difficulty understanding the French text.

ART. 450. - This order repeals all previous provisions to the contrary and in particular Law No. 72-158 of July 31, 1972, establishing a Penal Code and its amending or complementary texts and will come into force upon its publication according to the emergency procedure.

ART. 451. - This ordinance will be published following the emergency procedure and executed as state law.

**Done in Nouakchott, July 9, 1983.**

**For the Military Committee of National Salvation,**

**President:**

**Lieutenant-Colonel MOHAMED KHOUNA OULD HAIDALLA.**